

Democratic Renewal: A Call to Action from America's Heartland

Michigan

Summary of Findings and Recommendations

Findings

1. Michigan's campaign finance law has major deficiencies that undermine the system of limits and accountability in political campaigns.
2. Michigan's gubernatorial public funding system is broken and it should be evaluated for future viability, along with the possibility of public funding for appellate judicial campaigns and legislative campaigns.
3. Michigan's lobbying and ethics laws fail to require sufficient disclosure of lobbying activity and public officials' personal financial interests; they are inadequate in defining and requiring ethical conduct for public officials and employees.
4. Michigan's redistricting system fails to function without judicial intervention unless there is single-party control of state government; it fails to mandate competitive districts that are responsive to movements in voter sentiment.
5. Term limits have diminished knowledge, experience, and institutional memory in the legislature and ceded power from the legislature to the fourth branch of government: lobbyists.
6. Michigan has a legacy of leadership in election administration but it retains unwarranted barriers to voting that should be eliminated; there are anomalies that undermine the functioning of democracy.
7. Michigan's proclivity for multi-million-dollar Supreme Court campaigns undermines the appearance and the reality of judicial independence and impartiality.
8. Having enforcement of campaign finance, lobbying, and election laws reside in a department [the Department of State] that is led by a partisan elected official undermines impartial enforcement of those laws. Penalties for violations are too inconsequential to motivate compliance with the law.

Policy Recommendations

Campaign Finance

1. To prevent the wealthy few from exercising extraordinary influence in determining the outcomes of elections, and introducing an extraordinary incentive to shape public policy in ways that do not reflect democracy:
 - Michigan campaign finance laws should limit contributions to PACs to \$5,000 per year from any source.
 - Michigan campaign finance law should limit individual contributions to state political parties to \$50,000 in a two-year election cycle.
 - Michigan campaign finance law should limit aggregate contributions from any individual to all state candidates, PACs, and political parties to \$100,000 for a two-year election cycle.
2. To maintain an element of fairness for a candidate facing an opponent of extraordinary wealth, and to protect the viability of candidates who are not independently wealthy, self-funding of a candidate's campaign should trigger a state Millionaire Amendment, wherein the self-funded candidate's opponent is allowed to raise contributions of up to three-times the normal rate. The threshold that activates the Millionaire Amendment should vary, depending on the office and the population of the constituency served by the office.
3. Officeholder campaign fundraising should be limited to that which is relevant to running for office or that which is truly necessary to fulfill the requirements of that office; term-limited officeholders' campaign committee fundraising should be limited each year and cumulatively.
4. To provide meaningful public oversight of the movement of money in Michigan politics:
 - All committees—candidates, PACs, parties, and ballot committees—should file quarterly campaign finance reports every year. For quarters in which there is a pre- or post-election report, that report can satisfy the quarterly reporting requirement.
 - Candidate committees should file supplemental contribution reports, analogous to the late-contribution reports that are filed between pre-election reports and Election Day, each time \$500 of accumulated contributions are received between scheduled reports.

5. In order to provide timely disclosure of all financial efforts to affect all state elections:
 - Any independent expenditures that are made subsequent to a committee's last scheduled report before any election should be reported within 48 hours.
 - Any independent expenditures sponsored by individuals should be reported within 48 hours, and those that concern candidates for state office should be reported to the Department of State.
6. A loophole that has repeatedly shown itself to be bigger than candidates' own campaigns should be closed with the following measures:
 - All electioneering communications—broadcast, printed, and telephonic—that feature the name or image of a candidate for public office within 30 days of a primary election or 60 days of a general election should be considered campaign expenditures and should be regulated accordingly. Contributions to committees making such expenditures should be limited; all receipts and expenditures should be reported in accordance with the same schedule as political action committees.
 - Robo-calls that name a candidate for public office within the window for electioneering communications should be required to include a disclaimer naming the sponsor of the call.
7. Michigan should establish a voluntary system of full public financing for Michigan Supreme Court campaigns. This will provide Michigan voters the opportunity to vote for candidates for the Michigan Supreme Court who demonstrably have no financial ties to the litigants who argue cases before them.
8. To evaluate the costs and benefits to citizen-taxpayers and elected officials, Michigan should establish a commission to evaluate the merits of a system of voluntary full public funding for all state election campaigns.

Lobbying and Government Ethics

1. A complete public record of the extent and nature of lobbying activity to influence public policy should be made through the following actions:
 - *All* expenditures to benefit lobbyable officials that exceed a low, uniform dollar threshold should be reported by the lobbyists who make them.
 - The issues, bills, regulations, and public contracts that a lobbyist is seeking to influence during any reporting period should be identified in that report.

2. In order to limit the temptation for an officeholder or a high administration official to serve a special interest at the expense of the public interest and to enhance the individual's prospects for a lobbying career:
 - An elected officeholder should be subject to a mandatory one-year cooling off period before s/he can become a registered lobbyist.
 - Top appointed administration officials should be subject to a mandatory one-year cooling off period before they can become registered lobbyists.
3. Provide a meaningful framework of ethical conduct for all governmental actors by:
 - Amending the State Standards of Conduct for Public Officers and Employees to apply to the legislative and judicial branches of government.
 - Prohibiting all state officeholders and top appointees from accepting honoraria.
4. Allow public oversight of whether a public official's actions avoid transgressions for personal enrichment by requiring elected officials, including judges and top administrative appointees, to file periodic reports of their real estate holdings, assets, outside income, and creditors, and material transactions that change their financial circumstances.

Redistricting

Michigan should institute a system wherein a nonpartisan entity, such as the Legislative Service Bureau, is responsible for drawing decennial redistricting plans that incorporate the Apol Standards, value competition, and accommodate minority representation. This measure will promote legislative representation that accurately reflects voter sentiment, is responsive to changes in voter sentiment, values competition, and respects minority representation. The nonpartisan plans would have to be approved by the legislature and the governor; if the nonpartisan body is unable to create a plan that gains approval, the process would be turned over to the courts.

Term Limits

Michigan's term limits should be eliminated to give voters the best possible choices of whom to elect, to accommodate more knowledgeable officeholders, and to elevate accountability in governing.

Election Administration

1. In order to remove barriers to voting for citizens:
 - Voters should be granted absentee ballots upon request without having to specify a reason.
 - Mail-in registration should accommodate a witnessing signature by any sworn election official or a certified notary public, and first-time voters who have registered by mail should be allowed to vote absentee ballot.
2. Michigan should adopt a deadline for voter registration that is less than the current deadline of 30 days prior to an election; this will diminish a needless barrier to voting.
3. The order in which candidates are presented to Michigan voters (i.e., listed on the ballot) should be rotated precinct by precinct, so candidates will be listed first an equal number of times in the aggregate; this measure will work to neutralize the advantage of being the first names the voters see.
4. Michigan should implement a system of Instant Run-off Voting in order to elect officials who best suit the majority of voters.
5. To build integrity in the ballot initiative process:
 - Fraud in the ballot initiative process should be prohibited by law.
 - Ballot committees should be required to file quarterly campaign finance reports.
 - Ballot language should be settled and displayed on petitions that are circulated.

Judicial Independence

1. Michigan should establish a voluntary system of public financing for Michigan Supreme Court campaigns; this will provide Michigan voters the opportunity to vote for candidates for the Michigan Supreme Court who demonstrably have no financial ties to the litigants who argue cases before them.
2. In order to protect the appearance and reality of judicial impartiality, the Michigan Supreme Court should develop standards for recusal for cases involving individuals and interest groups who have substantial financial ties, whether personal or political, to any justices.

Enforcement

1. In order to provide a greater incentive for compliance with campaign finance laws, fines for violations should be increased substantially; consideration should be given to basing fines on a percentage of the amount of money that is the subject of the violation.
2. Michigan should assure fair and impartial handling of campaign finance, lobbying, and ethics violations by establishing an independent, nonpartisan commission to investigate apparent violations. This commission should have authority for imposing penalties for verified violations.

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