



Written Testimony Made by Henry Mayers¹
Provided to the
House Ethics & Oversight Committee
Thursday, April 18, 2024

It's a distinct pleasure to be able to comment on proposed legislation to address a subject of deep concern to our group, Michiganders for Fair and Transparent Elections. That concern is the damage to our representative democracy being done by our current campaign finance practices, and especially the lack of transparency in those finances and messaging. It is that very secrecy of campaign and political money that has enabled the legislative corruption by previous speakers of Michigan's House of Representatives.

We would like to express our appreciation to Chairperson Byrnes for establishing the House Study Group that labored these last 10 months to produce the BRITE ACT package. Chairperson Byrnes met with a delegation of constituents gathered in Lansing as part of the multi-organization [ShowMiTheMoney](#) lobby day effort on April 27, 2023. At that time, she expressed her agreement with them that the growing tsunami of campaign money and secret election money are very serious issues, for which she wanted to address with hearings and legislation. We are very grateful that she has fulfilled that promise.

Before we comment on the two bills being discussed today, we believe that it is important to remember the accomplishments of the 2023 [ShowMiTheMoney](#) lobby day, as they paint a picture of a legislature that only needs strong inspired leadership on this issue to make things happen.

We were pleased that 5 members of this committee made time to meet with the [ShowMiTheMoney](#) lobby day constituents.

So, here's what happened on that lobby day, and what we learned:

- 5 national and 6 statewide groups organized and motivated 33 constituent advocates to come to Lansing,
- Then met with 77 legislators, who were composed of 51% dems and 48% repubs.
- Of that group, 42% were senators and 55% were house reps.
- Most importantly, 89% agreed that disclosure of all campaign money, and restoring our right to set reasonable limits on campaign money, was an important topic that needed to be addressed by the legislature. (That closely tracks with recent polls showing 85% of voters see money in our elections as a major issue.)
 - Overall, 58% of the 77 legislators believed that legislation was indeed needed.
 - Support rates broken down by party were essentially equal.
 - Finally, 25% wanted to consider becoming a co-sponsor for any such legislation.

¹ Henry Mayers is president of Michiganders for Fair and Transparent Elections. MiFTE is a registered non-profit (501c4) and a registered Ballot Committee with the Secretary of State. It has been championing transparency in our elections since 2018.



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Now let's turn to comments on the 2 bills under consideration today.

Both of these bills are important changes that MiFTE supports.

HB 5856, as we understand it, will preclude former legislators from immediately engaging in lobbying. This will remove the impulse to legislate according to the influence of special interests, in anticipation of post-retirement lobbying income from them.

The goal here is an excellent one. However, we suspect that a waiting period of just 12 months is a rather weak disincentive. We respectfully suggest that you consider a period of at least 24 months.

HB 5853, as we understand it, will allow the Secretary of State to directly seek an injunction over an election organization that is actively breaking campaign finance laws. We strongly support this bill.

Far too much campaign activity is conducted in a law-bending or outright lawless fashion. Everyone involved in election campaigns knows that any consequences from lawless behavior will occur long after the election ends, and accountability is only assigned to the organization. It does not fall on the perpetrator, nor the leader who countenanced the malfeasance.

It has become "a cost of doing business" in elections.

This is just another reason why elections more and more reflect images of the wild, wild west. In elections, we tolerate things that would be illegal in any other setting. As an example, there is nothing wrong with money laundering in elections.

We believe that this bill HB 5853, in combination with future legislation that (1) would establish PERSONAL accountability, plus (2) funding for truly pro-active auditing by the Secretary of State, will together go a long way towards achieving much greater law-abiding election behavior in Michigan.

We would now like to make a few forward-looking comments.

As a group that has been studying and working on the subject of money in our elections and politics since 2018, we look on this promising legislation as only a start. Indeed, the BRITE ACT package is a good start. And we earnestly hope that these bills move forward and promptly secure passage by the full legislature.

We understand that getting passage of legislation is no easy lift in the best of circumstances, yet we fervently ask that this committee press on to finish addressing the problems of money in our elections. We believe that such an effort must focus on the following:

1. Prohibit practices that are compromising the legally required independence of outside entities from candidate campaign activity.
2. Prohibit election donations or in-kind services from contractors engaged in bidding or providing procured services to any branch of Michigan state government.



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3. Prohibit funds from foreigners or foreign entities in both candidate and ballot campaigns. Open Secrets, a respected national election data reporting organization, reported \$4.1 million in such foreign funds played a role in the 2020 Michigan election².
4. Require disclosure by any and all persons and entities that spend more than \$50,000 on election messaging with the public during any election window.
5. Require donor disclosure on any election message, via any method, made to the general public.
6. Require election expenditures be made using only funds that have revealed the identity of its original donors.
7. Provide sufficient disclosure and reporting, including up-to-date lists of top 10 donors by election-engaged organizations.
8. Provide simpler and immediate public access to all reported information to the SOS.
9. Authorize and appropriate sufficient funding for pro-active ongoing oversight by the SOS.
10. Assure personal accountability and timely consequences.

Another opportunity for this committee to take action, which can improve ethics in our elections and politics, is to seek restoration of our right to set reasonable campaign finance limits. Please note that we are saying to RESTORE such rights, as we lost this right as a result of a number of misguided decisions by the US Supreme Court.

There are a number of national organizations leading the effort to secure an amendment to the US Constitution to restore those rights. MiFTE is part of that effort, working with American Promise. Twenty-two (22) states have passed legislative resolutions exhorting congress to prepare such an amendment for state ratification. This approach is exactly how we secured the right to directly elect US Senators (the 17th Amendment), ending a period of incredible cronyism and corruption. Literally, the states made Congress act. Let's make Michigan state number 23!!

Returning to those 10 suggested items, we are aware that the House Study Group has or is considering some of these items. We would be only too happy to discuss the information we have on these ideas with any legislator, caucus, or group interested in pursuing them. Nearly all of these ideas exist in one state or another. Let's not be last, once again, in transparency, especially with election finances.

In closing, we sincerely thank the legislators that have exhibited the courage to undertake legislation on campaign finance reform. We are quite aware that pursuing this legislation guarantees various forms of resistance, some personal, by the monied forces of special and self-interest. Disclosure bills can count on MiFTE to help generate the support for such legislation. We know that our partners in the **ShowMiTheMoney** coalition are just as ready to make a similar promise.

Finally, moving on the present egregious problems with money in our elections shows your committee's respect for the fundamental right of the voters to cast a truly informed vote and your desire to restore the public regard for this legislature and the election itself. For that, you have our deepest thanks.

² Data secured on 04/17/24 at: <https://www.opensecrets.org/news/reports/foreign-influenced-corporate-money>