



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 99 and 100 (as enacted)
Sponsor: Senator Jeremy Moss (S.B. 99)
Senator Ed McBroom (S.B. 100)
Senate Committee: Oversight
House Committee: Government Operations (discharged)

PUBLIC ACTS 3 & 4 of 2025

Date Completed: 10-16-25

RATIONALE

Public Acts 613 and 614 of 2023 codified Proposal 22-1's Constitutional requirement for financial disclosure for members of the Legislature, the Governor, the Secretary of State (SOS), and the Attorney General (see **BACKGROUND**). They also expanded provisions to include financial disclosure requirements for candidates for office. According to testimony before the Senate Committee on Oversight, during the first-year implementation, the SOS requested an opinion from the Attorney General on whether the implementation matched the intent of the Proposal. Attorney General Dana Nessel released an opinion specifying the need for more information related to sources of unearned income and gifts, among other changes.¹ Accordingly, it was suggested to codify the contents of the opinion to better align the disclosure laws with Proposal 22-1's intent.

CONTENT

Senate Bill 99 amended the Public Officers Financial Disclosure Act to do the following:

- **Require a public officer to report the occupation of the public officer's spouse and the name of the employer or employers of the spouse only if the spouse received at least \$1,000 in annual income.**
- **Specify that reporting requirements for unearned income and securities must include the origin and address of the sources and securities.**
- **Require a public officer to report the name of the lobbyist or lobbyist agent that gifted, made a travel payment to, or made a payment to a charity in lieu of honoraria to, the public officer during the period of recording.**
- **Prescribe the contents of the disclosure form required to be filed by public officials and candidates.**
- **Require the Department of State to make available the most recent version of the reporting form at least 30 days before the form is due each year.**
- **Extend, from May 15, 2024, to June 13, 2025, the period in which a public official could file the required financial disclosure report for the period of January 1, 2024, to December 31, 2024.**
- **Require the SOS to retroactively accept statements and reports required to be filed with the SOS that are submitted via email as an alternative to the Act's electronic filing system.**

¹ "AG Nessel Issues Formal Opinion on Questions Related to Public Officers Financial Disclosure Act". Michigan Department of Attorney General. June 5, 2024. <https://www.michigan.gov/ag/news/press-releases/2024/06/05/ag-nessel-issues-formal-opinion-on-questions-related-to-public-officers-financial-disclosure-act>. Retrieved 2-27-25.

Senate Bill 100 amended the Candidate for Office Financial Disclosure Act to do the following:

- **Specify that the term "candidate for office" would mean a candidate who intended to appear on the ballot, in addition to previous criteria.**
- **Require a candidate for office to report the occupation of the candidate's spouse and the name of the employer or employers of the spouse only if the spouse received at least \$1,000 in annual income.**
- **Specify that reporting requirements for unearned income and securities must include the origin and address of the sources and securities.**
- **Establish the form of the disclosure required to be filed by candidates.**
- **Extend, from May 15, 2024, to June 13, 2025, the period in which a candidate could file the required financial disclosure report for the period of January 1, 2024, to December 31, 2024.**
- **Require the SOS to retroactively accept statements and reports required to be filed with the SOS that are submitted via email as an alternative to the Act's electronic filing system.**

The bills took effect May 14, 2025.

Senate Bills 99 & 100

Public Officer and Candidate for Office Reporting Requirements

The Public Officers Financial Disclosure Act and the Candidate for Office Financial Disclosure Act require a public officer and a candidate for office to file an annual financial disclosure report with the Department of State.

"Public officer" means all the following:

- A State representative.
- A State senator.
- The Attorney General.
- The Governor.
- The Lieutenant Governor.
- The SOS.

"Candidate for office" means a candidate for any of those offices described above who is subject of the Michigan Campaign Finance Act and whose candidate committee received or spent more than \$1,000 during the election cycle. The bill specifies that the term applies to a candidate that meets the criteria above *and* who intends to appear on the ballot during the election cycle.

Among other things, the financial disclosure report must include the name of the spouse of the public officer or candidate for office, the occupation of the public officer's or candidate's spouse, and the name of the employer or employers of the public officer's or candidate's spouse. Each bill modified this requirement to specify that the public officer or candidate for office must report the occupation of the spouse and the name of the employer or employers of the spouse if the spouse receives at least \$1,000 in annual income.

The Candidate for Office Financial Disclosure Act requires a candidate for office to report the name and address of the candidate's employer and the positions held during the reporting period if the candidate received at least \$1,000 during the reporting period. The bill specifies

that this provision applies to all a candidate's employers, if the candidate has multiple employers.

Additionally, the report must include a list of each of the public officer's or candidate for office's assets, excluding a business asset, held for investment or production of income with a fair market value of \$1,000 or more during the reporting period and any sources of unearned income that exceed \$200 during the reporting period. The report also must include a list of any stocks, bonds, or other forms of securities held by the public officer or candidate for office or held jointly with the public officer's or candidate for office's spouse during the reporting period, if the security has a total aggregate fair market value of \$1,000 or more. The Act specifies that these items must be adjusted at the rate of the Consumer Price Index every four years. Under the bill, the officer or candidate also must report the origin and address of the sources of unearned income and securities.

"Consumer Price Index" means the most comprehensive index of consumer prices available for the Detroit-Warren-Dearborn area from Bureau of Labor Statistics of the United States Department of Labor.

A public officer also must include in the report a list of all gifts and travel payments received and reported by a lobbyist or lobbyist agent during the reporting period under State law and a list of each payment by a lobbyist or lobbyist agent to a charity in lieu of honoraria. The bill specifies that each list also must include the name of the lobbyist or lobbyist agent that made the payment.

Previously, "gift" meant that term as defined in Section 7 of the Michigan Campaign Finance Act: a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is given in exchange. Under the bill, "gift" means any item a public officer receives that is required to be reported by a lobbyist or lobbyist agent under the lobbyist registration Act. (Generally, the Act requires lobbyists and lobbyist agents to register with and submit to the SOS a detailed financial report concerning the calendar year during which the lobbyist or lobbyist agent operated. Generally, a lobbyist or lobbyist agent's report must contain an account of expenditures for food and beverage provided for public officials, advertising and mass mailing expenses directly related to lobbying, and any other expense made or incurred other than a purchase of less than \$5.00 for which a receipt is not normally available).

Disclosure Form

Previously, the Acts required the Department of State to create a standard financial disclosure form for use by a public officer and a form for candidates for office. The bills removed this provision and instead prescribe a new financial disclosure report form, which generally requires detailed financial information concerning a candidate, public officer, or spouse's income. The SOS is required to publish this form. The bills also require the Department to make the most current version of the financial disclosure report available on its website at least 30 days before the report is due each year.

Lastly, the Acts require a public officer who is not reelected or seeking reelection to disclose to the SOS any agreement or arrangement for future employment beginning within one year after leaving office. The bills require the SOS to make any such disclosure easily accessible on the SOS's website.

Email Filed Reports

Among other things, the Acts require the SOS to make forms and instructions available and

to create and operate an internet-accessible system to receive the statements and reports the Acts require. Under the bill, the SOS also must accept statements and reports required to be filed with the SOS that are submitted via email as an acceptable alternative to the electronic filing system. This provision applies retroactively to statements and reports submitted by email for the reporting period of January 1, 2023, to December 31, 2023.

Double Filing Exemption

The bills also specifies that if an individual was required to file a financial disclosure report under the Public Officers Financial Disclosure Act, that individual would not be required to file a financial disclosure report under the Candidate for Office Financial Disclosure Act.

MCL 15.703 (S.B. 99)
169.303 (S.B. 100)

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

Senate Bills 99 and 100 are respectively similar to Senate Bills 1196 and 1197 of the 2023-2024 Legislative Session. Senate Bills 1196 and 1197 passed the Senate and were referred to the House Committee on Government Operations but received no further action.

BACKGROUND

"Report" means the financial disclosure report under Section 10 of Article IV of the State Constitution. In March 2022, the Board of State Canvassers approved the form and summary of an initiative petition sponsored by a group called Voters for Transparency and Term Limits. Generally, the initiative petition sought to amend the Michigan Constitution to require members of the Legislature, the Governor, the SOS, and the Attorney General to file annual public financial disclosure reports and modify Michigan's term limits requirement to allow an individual to serve a total of 12 years in any combination between the Senate and the House. The organization would have had to collect over 425,000 signatures by July 11, 2022, to have the initiation petition placed on the November ballot; however, that threshold was not reached. Instead, the House and Senate adopted House Joint Resolution R during the 2021-2022 Legislative Session, which placed the initiative on the ballot as Proposal 22-1. The Proposal passed with 66.45% of the vote during the November general election.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Modifying and clarifying the process for financial disclosure was necessary to address issues with implementation. In the SOS's request for an opinion from the Attorney General, the SOS noted that, while the disclosure requirements were added to the Michigan Constitution in 2022, the legislative implementation language was enacted December 29, 2023, which required the public disclosure portal to be launched by March 15, 2024.² According to testimony before the Senate Committee on Oversight, the SOS and its contractor, Tyler Technologies, struggled to implement a website that fit the legislation's requirements in such a short implementation period. As a result, many legislators reported difficulties properly filing the required disclosure, with some seeking alternative methods of disclosure, such as through

² Benson, J., "Request for Attorney General Opinion" April 8, 2024.

email.³ The bill addressed these user errors and issues by allowing public officials and candidates to submit certain information by email and extending the filing date for the 2024 calendar year.

Opposing Argument

The bills still allow public officials and candidates to take advantage of certain disclosure loopholes. For example, while public officials and candidates must disclose the origin and addresses of their securities and investments, they are not required to report the value of those assets.⁴ Additionally, an official or candidate can transfer assets to a spouse to avoid disclosure, as an official or candidate only needs to disclose a spouse's employer. Lastly, while officials and candidates must report certain gifts provided by lobbyists, they do not have to report travel expenses that were *paid* by lobbyists.⁵ These loopholes allow officials and candidates to hide certain financial information and run counter to the intention of Proposal 22-1.

Opposing Argument

Requiring the SOS to accept reports via email may be too burdensome. According to testimony, the previous submission form compiled the candidate's or public officer's information into the public disclosure portal automatically. Allowing email submissions may require the SOS staff to manually insert the emailed answers line by line into the portal, which may be unnecessarily timely and cumbersome.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bills had no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco, Jr.

³ Hermani, Jordyn, "Michigan senator, state at odds over financial disclosure law he helped write", *Bridge Michigan*, May 14, 2024.

⁴ Kranz, Michael, "Lawmakers extend their financial disclosure deadline due to Benson's buggy website", *MLIVE*, May 14, 2025.

⁵ Schuster, Simon D., "Tech flaws, weak rules mar Michigan system to shine light on lawmaker conflicts", *Bridge Michigan*, June 17, 2025.