

# Legislative Analysis

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## ISSUE AD DISCLOSURE PERIOD

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**House Bill 5222 (Substitute H-1)**  
**Sponsor: Rep. Anthony G. Forlini**  
**Committee: Elections and Ethics**

**Complete to 2-20-14**

## A SUMMARY OF HOUSE BILL 5222 (H-1) AS REPORTED FROM COMMITTEE

Currently under Section 47 of the Michigan Campaign Finance Act, a communication that is otherwise exempt from the act under Section 6(2)j\* remains subject to the provisions requiring the identification of sponsors if that communication references a clearly identified candidate or ballot question within 60 days before a general election or 30 days before a primary. This applies if the communication is targeted to the relevant electorate where the candidate or ballot question appears on the ballot by means of radio, television, mass mailing, or prerecorded telephone message.

House Bill 5222 (H-1) would make that provision in Section 47 refer instead to "during the period beginning 60 days before a primary election and continuing through the date of the election following that primary election."

MCL 169.247

### ***BACKGROUND INFORMATION:***

\*In December 2013, Public Act 252 of 2013 (formerly Senate Bill 661 introduced by Senator Meekhof) went into effect. The new law, among other things, clarifies when the paying sponsors of political communications must be identified to the public. In addition, and under the new law, Section 169.206(2)(j) of the Michigan Campaign Finance Act exempts from the definition of "expenditure", an expenditure for a communication if that communication does not in express terms advocate the election or defeat of a clearly identified candidate, so as to restrict the application of the act to communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for governor,' 'vote against,' 'defeat,' or 'reject'. However, the section says that this exemption from the definition of "expenditure" does not apply for the purposes of Section 47, which is the section the bill is amending.

### **FISCAL IMPACT:**

The bill has no state or local fiscal implications.

**POSITIONS:**

The Michigan Association of County Clerks supports the bill. (2-11-14)

The Secretary of State supports the bill. (2-11-14)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.