

HOUSE BILL No. 5222

January 15, 2014, Introduced by Rep. Forlini and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 47 (MCL 169.247), as amended by 2013 PA 252.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 47. (1) Except as otherwise provided in this subsection
2 and subject to subsections (3) and (4), a billboard, placard,
3 poster, pamphlet, or other printed matter having reference to an
4 election, a candidate, or a ballot question, shall bear upon it
5 the name and address of the person paying for the matter. Except
6 as otherwise provided in this subsection and subject to
7 subsections (3) and (4), if the printed matter relating to a
8 candidate is an independent expenditure that is not authorized in
9 writing by the candidate committee of that candidate, the printed
10 matter shall contain the following disclaimer: "Not authorized by

1 any candidate committee". An individual other than a candidate is
2 not subject to this subsection if the individual is acting
3 independently and not acting as an agent for a candidate or any
4 committee. This subsection does not apply to communications
5 between a separate segregated fund established under section 55
6 and individuals who can be solicited for contributions to that
7 separate segregated fund under section 55.

8 (2) A radio or television paid advertisement having
9 reference to an election, a candidate, or a ballot question shall
10 identify the sponsoring person as required by the federal
11 communications commission, shall bear the name of the person
12 paying for the advertisement, and shall be in compliance with
13 subsection (3) and with the following:

14 (a) If the radio or television paid advertisement relates to
15 a candidate and is an independent expenditure, the advertisement
16 shall contain the following disclaimer: "Not authorized by any
17 candidate".

18 (b) If the radio or television paid advertisement relates to
19 a candidate and is not an independent expenditure but is paid for
20 by a person other than the candidate to which it is related, the
21 advertisement shall contain the following disclaimer:

22 "Authorized by".
23 (name of candidate or name of candidate committee)

24 (3) The size and placement of an identification or
25 disclaimer required by this section shall be determined by rules
26 promulgated by the secretary of state. The rules may exempt

1 printed matter and certain other items such as campaign buttons
2 or balloons, the size of which makes it unreasonable to add an
3 identification or disclaimer, from the identification or
4 disclaimer required by this section.

5 (4) Except for a communication described in subsection (5)
6 and except for a candidate committee's printed matter or radio or
7 television paid advertisements, each identification or disclaimer
8 required by this section shall also indicate that the printed
9 matter or radio or television paid advertisement is paid for
10 "with regulated funds". Printed matter or a radio or television
11 paid advertisement that is not subject to this act shall not bear
12 the statement required by this subsection.

13 (5) A communication otherwise entirely exempted from this
14 act under section 6(2)(j) is subject only to the identification
15 required by subsection (1), (2), or (8) if that communication
16 references a clearly identified candidate or ballot question
17 within 60 days before ~~a general election or 30 days before a~~
18 ~~primary~~ **AN** election in which the candidate or ballot question
19 appears on a ballot and is targeted to the relevant electorate
20 where the candidate or ballot question appears on the ballot by
21 means of radio, television, mass mailing, or prerecorded
22 telephone message.

23 (6) A person who knowingly violates this section is guilty
24 of a misdemeanor punishable by a fine of not more than \$1,000.00,
25 or imprisonment for not more than 93 days, or both.

26 (7) As used in this section, "mass mailing" means a mailing
27 by United States mail or facsimile of more than 500 pieces of

1 mail matter of an identical or substantially similar nature
2 within any 30-day period.

3 (8) A prerecorded telephone message that in express terms
4 advocates the election or defeat of a clearly identified
5 candidate, or the qualification, passage, or defeat of a ballot
6 question, shall contain the name and telephone number, address,
7 or other contact information of the person paying for the
8 prerecorded telephone message, and shall be in compliance with
9 subsection (4).