

SUBSTITUTE FOR  
HOUSE BILL NO. 4163

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending section 47 (MCL 169.247), as amended by 2015 PA 269.

**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~~**must** bear upon  
5 it an identification that contains the name and address of the  
6 person paying for the matter. **Except for matter sent through the**  
7 **United States mail, a person who is required to register with the**  
8 **secretary of state is not required to include on advertisements,**  
9 **materials, objects, artifacts, or other matter the address of the**

1 **person paying for the matter.** Except as otherwise provided in this  
2 subsection and subsection (5) and subject to subsections (3) and  
3 (4), if the printed matter relating to a candidate is an  
4 independent expenditure that is not authorized in writing by the  
5 candidate committee of that candidate, in addition to the  
6 identification required under this subsection, the printed matter  
7 ~~shall~~**must** contain the following disclaimer: "Not authorized by any  
8 candidate committee". An individual other than a candidate is not  
9 subject to this subsection if the individual is acting  
10 independently and not acting as an agent for a candidate or any  
11 committee. This subsection does not apply to communications between  
12 a separate segregated fund established under section 55 and  
13 individuals who can be solicited for contributions to that separate  
14 segregated fund under section 55.

15 (2) A radio or television paid advertisement having reference  
16 to an election, a candidate, or a ballot question ~~shall~~**must**  
17 identify the sponsoring person as required by the Federal  
18 Communications Commission, bear an identification that contains the  
19 name of the person paying for the advertisement, and be in  
20 compliance with subsection (3) and, except as otherwise provided by  
21 subsection (5), with the following:

22 (a) If the radio or television paid advertisement relates to a  
23 candidate and is an independent expenditure, the advertisement  
24 ~~shall~~**must** contain the following disclaimer: "Not authorized by any  
25 candidate".

26 (b) If the radio or television paid advertisement relates to a  
27 candidate and is not an independent expenditure but is paid for by  
28 a person other than the candidate to which it is related, the  
29 advertisement ~~shall~~**must** contain the following disclaimer:

1 "Authorized by.....".

2 (name of candidate or name of candidate committee)

3 (3) The **secretary of state shall determine the** size and  
4 placement of an identification or disclaimer required by this  
5 section ~~shall be determined by~~ **in** rules promulgated by the  
6 secretary of state. ~~The rules may~~ **All of the following are** exempt  
7 ~~printed matter and certain other items such as campaign buttons or~~  
8 ~~balloons, the size of which makes it unreasonable to add an~~  
9 ~~identification or disclaimer,~~ from the identification or disclaimer  
10 required by this section:

11 (a) **Aerial banners.**

12 (b) **Ashtrays.**

13 (c) **Badges and badge holders.**

14 (d) **Balloons.**

15 (e) **Bingo chips.**

16 (f) **Brushes.**

17 (g) **Buttons.**

18 (h) **Bumper stickers no larger than 4 by 15 inches.**

19 (i) **Campaign stickers no larger than 3 by 1-1/2 inches.**

20 (j) **Cigarette lighters.**

21 (k) **Cloth pot holders.**

22 (l) **Clothes pins.**

23 (m) **Clothing.**

24 (n) **Coasters.**

25 (o) **Combs.**

26 (p) **Cups.**

27 (q) **Drinking glasses.**

28 (r) **Earrings.**

29 (s) **Emery boards.**

- 1 (t) Envelopes.
- 2 (u) Erasers.
- 3 (v) Fortune cookie messages no larger than 1/2 by 2 inches.
- 4 (w) Frisbees.
- 5 (x) Glasses.
- 6 (y) Golf tees.
- 7 (z) Golf balls.
- 8 (aa) Hats.
- 9 (bb) Horns.
- 10 (cc) Ice scrapers.
- 11 (dd) Jar lid grippers no larger than 5 inches.
- 12 (ee) Key rings.
- 13 (ff) Knives.
- 14 (gg) Labels.
- 15 (hh) Lapel pins or stickers.
- 16 (ii) Magnifying glasses.
- 17 (jj) Matchbooks.
- 18 (kk) Nail clippers.
- 19 (ll) Nail files.
- 20 (mm) Noisemakers.
- 21 (nn) Paper and plastic cups.
- 22 (oo) Paper and plastic plates.
- 23 (pp) Paper weights.
- 24 (qq) Pencils.
- 25 (rr) Pendants.
- 26 (ss) Pennants.
- 27 (tt) Pens.
- 28 (uu) Pinwheels.
- 29 (vv) Plastic tableware.

- 1 (ww) Pocket protectors.
- 2 (xx) Pot holders.
- 3 (yy) Refrigerator magnets.
- 4 (zz) Rubber wrist bracelets no larger than 1 by 8-1/4 inches.
- 5 (aaa) Ribbons.
- 6 (bbb) Sunglasses.
- 7 (ccc) Shoe horns.
- 8 (ddd) Staple removers.
- 9 (eee) Yo-yos.

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

18 (5) A communication otherwise entirely exempted from this act  
19 under section 6(2)(j) is subject to both of the following:

20 (a) Must contain the identification required by subsection  
21 (1), (2), or (7) if that communication references a clearly  
22 identified candidate or ballot question within 60 days before a  
23 general election or 30 days before a primary election in which the  
24 candidate or ballot question appears on a ballot and is targeted to  
25 the relevant electorate where the candidate or ballot question  
26 appears on the ballot by means of radio, television, mass mailing,  
27 or prerecorded telephone message.

28 (b) Is not required to contain the disclaimer required by  
29 subsection (1) or (2).

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

4           (7) A prerecorded telephone message that in express terms  
5 advocates the election or defeat of a clearly identified candidate,  
6 or the qualification, passage, or defeat of a ballot question,  
7 ~~shall~~**must** bear an identification that ~~contains~~**includes** the name,  
8 and **may include the** telephone number, address, or other contact  
9 information, of the person paying for the prerecorded telephone  
10 message, and ~~shall~~**must** be in compliance with subsection (4). A  
11 prerecorded telephone message subject to this subsection is not  
12 required to contain a disclaimer.