

HOUSE BILL NO. 4163

February 04, 2021, Introduced by Reps. Berman, Breen and Steven Johnson 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 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 as otherwise provided in this

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

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

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

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

1 (name of candidate or name of candidate committee)

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

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

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

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

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

29 (6) A person who knowingly violates this section is guilty of

1 a misdemeanor punishable by a fine of not more than \$1,000.00 ~~or~~
2 imprisonment for not more than 93 days, or both.

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