
THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 47. (1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter. Except as otherwise provided in this subsection and subsection (5) and subject to subsections (3) and (4), if the printed matter relating to a candidate is an
independent expenditure that is not authorized in writing by the
candidate committee of that candidate, in addition to the
identification required under this subsection, the printed matter
shall must contain the following disclaimer: "Not authorized by any
candidate committee". An individual other than a candidate is not
subject to this subsection if the individual is acting
independently and not acting as an agent for a candidate or any
committee. This subsection does not apply to communications between
a separate segregated fund established under section 55 and
individuals who can be solicited for contributions to that separate
segregated fund under section 55.

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

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

(b) If the radio or television paid advertisement relates to a
candidate and is not an independent expenditure but is paid for by
a person other than the candidate to which it is related, the
advertisement shall must contain the following disclaimer:
"Authorized by..............................................".
(name of candidate or name of candidate committee)

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

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

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

(a) Must contain the identification required by subsection (1), (2), or (7) if that communication references a clearly identified candidate or ballot question within 60 days before a general election or 30 days before a primary election in which the candidate or ballot question appears on a ballot and 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.

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

(6) A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than $1,000.00, or imprisonment for not more than 93 days, or both.
(7) A prerecorded telephone message that in express terms advocates the election or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a ballot question, shall* must* bear an identification that contains the name and telephone number, address, or other contact information of the person paying for the prerecorded telephone message, and shall* must* be in compliance with subsection (4). *Except as otherwise provided in this subsection, a* prerecorded telephone message subject to this subsection is not required to contain a disclaimer. If the prerecorded telephone message is generated in whole or substantially by artificial intelligence, the prerecorded telephone message must contain the following disclaimer: "This message was generated in whole or substantially by artificial intelligence.".

Sec. 59. (1) If a person, committee, or other entity creates, publishes, or originally distributes a qualified political advertisement, the qualified political advertisement must include, in a clear and conspicuous manner, a statement that meets all of the following requirements, as applicable:

(a) State that the qualified political advertisement was generated in whole or substantially by artificial intelligence.

(b) If the qualified political advertisement is a graphic communication, appear in letters at least as large as the majority of the text in the graphic communication and be in the same language as the language used in the graphic communication.

(c) If the qualified political advertisement is an audio communication, be spoken in a clearly audible and intelligible manner at the beginning or end of the communication, last at least 3 seconds, and be in the same language as the language used in the audio communication.
(d) If the qualified political advertisement is a video communication that also includes audio, do all of the following:

(i) Appear for at least 4 seconds in letters at least as large as the majority of any text communication, or if there is no other text communication, in a size that is easily readable by the average viewer.

(ii) Be spoken in a clearly audible and intelligible manner at the beginning or end of the communication and last at least 3 seconds.

(iii) Be in the same language as the language used in the video communication.

(2) A person that violates subsection (1) is guilty of the following:

(a) For a first violation, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both.

(b) For a second violation, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,500.00, or both.

(c) For a third or subsequent violation, a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both.

(3) Each qualified political advertisement that is distributed or aired to the public that violates this section is a separate violation under subsection (2).

(4) If a person, including, but not limited to, a committee, creates, publishes, or originally distributes a pictorial, audio, or video communication that is generated in whole or substantially by artificial intelligence, references an election, a candidate, or
a ballot question, and is not a qualified political advertisement, the communication must contain the following disclaimer: "This communication was generated in whole or substantially by artificial intelligence."

(5) A person other than a committee that violates subsection (4) is subject to the following:

(a) For a first offense, the person is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $250.00 for each violation.

(b) For a second or subsequent offense, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both.

(6) A committee that violates subsection (4) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $1,000.00, or both.

(7) The attorney general or a candidate for office who has been injured or is likely to be injured by a violation of this section may apply to any of the following courts for injunctive relief against a person for violating this section:

(a) The circuit court for the county in which a party to the alleged violative act or practice resides.

(b) The circuit court for the county in which the violation of this section could deceive and influence voters in an upcoming election.

(8) This section does not apply to any of the following:

(a) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer that broadcasts a qualified political advertisement or a communication generated in whole or substantially by artificial
intelligence as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener or viewer, that the qualified political advertisement or communication generated in whole or substantially by artificial intelligence does not accurately represent the speech or conduct of the depicted individual.

(b) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, when the station is paid to broadcast qualified political advertisements.

(c) A distribution platform, including, but not limited to, a website or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest and that publishes qualified political advertisements prohibited under this section, if the distribution platform has a clearly stated written policy, provided to any person, committee, or other entity that creates, seeks to publish, or originally distributes a qualified political advertisement, that the qualified political advertisement must include a statement consistent with subsection (1).

(d) A qualified political advertisement that constitutes satire or parody.

(9) A distribution platform, as described in subsection (8)(c), is not liable for the lack of disclosure content created in whole or substantially by artificial intelligence in a qualified political advertisement or prerecorded telephone message if the
distribution platform can show that the distribution platform
provided notice of its prohibitions related to a lack of disclosure
of content created in whole or substantially by artificial
intelligence in a qualified political advertisement or prerecorded
telephone message.

(10) As used in this section, "qualified political
advertisement" means any advertisement, including, but not limited
to, search engine marketing, display advertisements, video
advertisements, native advertisements, messaging service
advertisements, mobile application advertisements, and
sponsorships, involving a candidate for federal, state, or local
office in this state, any election to federal, state, or local
office in this state, or a ballot question that does both of the
following:

(a) Contains any image, audio, or video that is generated in
whole or substantially with the use of artificial intelligence.
(b) Is made by or on behalf of a candidate or committee.

Enacting section 1. This amendatory act does not take effect
unless House Bill No. 5143 of the 102nd Legislature is enacted into
law.