



HOUSE BILL No. 4985

June 16, 1995, Introduced by Reps. Gire, Willard, DeHart, Berman, Kelly, Cherry, Baird, Gubow, Baade, Pitoniak, Jersevic, Bobier, Wetters, Dolan, Bankes, Munsell, McNutt, Oxender, Gagliardi and Ciaramitaro and referred to the Committee on House Oversight and Ethics.

A bill to amend the title of Act No. 116 of the Public Acts of 1954, entitled as amended "Michigan election law," as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws; and to add chapter XXXVIII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title of Act No. 116 of the Public Acts of
2 1954, as amended, being sections 168.1 to 168.992 of the Michigan
3 Compiled Laws, is amended and chapter XXXVIII is added to read as
4 follows:

5 TITLE

6 An act to reorganize, consolidate, and add to the election
7 laws; to provide for election officials and prescribe their
8 powers and duties; to prescribe the powers and duties of certain
9 state departments, state agencies, and state and local officials

1 and employees; to provide for the nomination and election of
2 candidates for public office; to provide for the resignation,
3 removal, and recall of certain public officers; to provide for
4 the filling of vacancies in public office; to provide for and
5 regulate primaries and elections; to provide for the purity of
6 elections; to guard against the abuse of the elective franchise;
7 TO CREATE CERTAIN COMMISSIONS; to define violations of this act;
8 to provide appropriations; to prescribe penalties and provide
9 remedies; and to repeal certain acts and all other acts inconsis-
10 tent with this act.

11

CHAPTER XXXVIII

12 SEC. 1001. THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS
13 THE "MICHIGAN FAIR CAMPAIGN PRACTICES COMMISSION ACT".

14 SEC. 1002. AS USED IN THIS CHAPTER:

15 (A) "CANDIDATE" MEANS A CANDIDATE DEFINED IN SECTION 3 OF
16 THE MICHIGAN CAMPAIGN FINANCE ACT, ACT NO. 388 OF THE PUBLIC ACTS
17 OF 1976, BEING SECTION 169.203 OF THE MICHIGAN COMPILED LAWS.

18 (B) "COMMISSION" MEANS THE MICHIGAN FAIR CAMPAIGN PRACTICES
19 COMMISSION CREATED BY SECTION 1003.

20 (C) "COMMITTEE" MEANS A COMMITTEE ESTABLISHED UNDER THE
21 MICHIGAN CAMPAIGN FINANCE ACT, ACT NO. 388 OF THE PUBLIC ACTS OF
22 1976, BEING SECTIONS 169.201 TO 169.282 OF THE MICHIGAN COMPILED
23 LAWS.

24 (D) "POLITICAL ADVERTISEMENT" MEANS A RADIO, TELEVISION, OR
25 PRINT ADVERTISEMENT THAT CONTAINS A POLITICAL MESSAGE.

26 SEC. 1003. THERE IS CREATED IN THE DEPARTMENT OF STATE A
27 BIPARTISAN MICHIGAN FAIR CAMPAIGN PRACTICES COMMISSION THAT

1 CONSISTS OF 4 MEMBERS APPOINTED BY THE GOVERNOR, 2 OF WHOM SHALL
2 BE DEMOCRATS AND 2 OF WHOM SHALL BE REPUBLICANS. THE GOVERNOR
3 SHALL FILL A VACANCY IN THE COMMISSION IN THE SAME MANNER AS
4 ORIGINAL APPOINTMENTS. MEMBERS SHALL SERVE 4-YEAR TERMS AND
5 UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. MEMBERS OF
6 THE COMMISSION MAY BE REIMBURSED FOR EXPENSES INCURRED IN THE
7 ADMINISTRATION OF THEIR DUTIES.

8 SEC. 1004. (1) ANNUALLY THE COMMISSION SHALL ELECT FROM ITS
9 MEMBERSHIP A CHAIRPERSON AND ALTERNATE CHAIRPERSON WHO SHALL BE
10 FROM DIFFERENT POLITICAL PARTIES. THE POSITION OF CHAIRPERSON
11 SHALL ALTERNATE BETWEEN THE DEMOCRATIC PARTY AND THE REPUBLICAN
12 PARTY.

13 (2) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
14 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLI-
15 ANCE WITH THE OPEN MEETINGS ACT, ACT NO. 267 OF THE PUBLIC ACTS
16 OF 1976, BEING SECTIONS 15.261 TO 15.275 OF THE MICHIGAN COMPILED
17 LAWS. PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE MEETING
18 SHALL BE GIVEN IN THE MANNER REQUIRED BY ACT NO. 267 OF THE
19 PUBLIC ACTS OF 1976.

20 (3) THE COMMISSION SHALL MEET NOT LESS THAN 3 TIMES PER
21 YEAR. SPECIAL MEETINGS SHALL BE HELD AT THE CALL OF THE CHAIR-
22 PERSON OR A MAJORITY OF THE MEMBERS OF THE COMMISSION. FOR ITS
23 OWN PROCEDURE, THE COMMISSION SHALL ESTABLISH GUIDELINES IN THE
24 MANNER PRESCRIBED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
25 ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO
26 24.328 OF THE MICHIGAN COMPILED LAWS. A MAJORITY OF THE
27 COMMISSION CONSTITUTES A QUORUM, BUT A SMALLER NUMBER MAY

1 TRANSACT ROUTINE BUSINESS AND RECEIVE REPORTS FROM THE STAFF. A
2 MAJORITY OF THE MEMBERSHIP SHALL CONCUR IN ANY RECOMMENDATION OF
3 THE COMMISSION.

4 (4) THE CHAIRPERSON OF THE COMMISSION OR A MEMBER DESIGNATED
5 BY THE CHAIRPERSON, UPON MAJORITY VOTE OF THE COMMISSION, MAY
6 ADMINISTER OATHS, SUBPOENA WITNESSES, AND EXAMINE BOOKS AND
7 RECORDS OF A PERSON, PARTNERSHIP, OR CORPORATION INVOLVED IN A
8 MATTER PROPERLY BEFORE THE COMMISSION.

9 (5) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
10 OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
11 FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH
12 THE FREEDOM OF INFORMATION ACT, ACT NO. 442 OF THE PUBLIC ACTS OF
13 1976, BEING SECTIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED
14 LAWS.

15 SEC. 1005. THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

16 (A) DEVELOP AND IMPLEMENT A VOLUNTARY RATING SYSTEM FOR
17 POLITICAL ADVERTISEMENTS. THE VOLUNTARY RATING SYSTEM SHALL
18 FOCUS ON THE ACCURACY OF POLITICAL ADVERTISEMENTS.

19 (B) ASSIGN AN APPROVED OR DISAPPROVED RATING TO A POLITICAL
20 ADVERTISEMENT SUBMITTED TO THE COMMISSION BY A CANDIDATE OR
21 COMMITTEE.

22 (C) RECEIVE AND HEAR COMPLAINTS FROM CANDIDATES OR COMMIT-
23 TEES ARISING OUT OF THE PUBLICATION, DISTRIBUTION, OR DISSEMINA-
24 TION OF UNRATED POLITICAL ADVERTISEMENTS.

25 (D) PREPARE A REPORT OF THE COMPLAINT AND HEARING DESCRIBED
26 IN SUBDIVISION (C) IN A TIMELY FASHION, BUT NOT LATER THAN 30
27 DAYS AFTER RECEIPT OF THE COMPLAINT.

1 (E) DISTRIBUTE THE REPORT PREPARED UNDER SUBDIVISION (D) TO
2 THE APPROPRIATE COMMITTEES AND THE PUBLIC BEFORE THE ELECTION, IF
3 APPLICABLE.