

SENATE BILL No. 558

June 5, 2003, Introduced by Senators HARDIMAN, BASHAM, PATTERSON, BROWN, JELINEK, CASSIS, GEORGE, VAN WOERKOM, BIRKHOZ, SWITALSKI, BERNERO, SANBORN, STAMAS and KUIPERS and referred to the Committee on Commerce and Labor.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 6 (MCL 169.206), as amended by 1995 PA 264, and by adding section 48.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) "Expenditure" means a payment, donation, loan,
 2 or promise of payment of money or anything of ascertainable
 3 monetary value for goods, materials, services, or facilities in
 4 assistance of, or in opposition to, the nomination or election of
 5 a candidate, or the qualification, passage, or defeat of a ballot
 6 question. Expenditure includes but is not limited to any of the
 7 following:

8 (a) A contribution or a transfer of anything of ascertainable
 9 monetary value for purposes of influencing the nomination or
 10 election of a candidate or the qualification, passage, or defeat

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1 of a ballot question.

2 (b) Except as ~~otherwise~~ provided in subsection (2)(f) or
3 (g), an expenditure for voter registration or get-out-the-vote
4 activities made by a person who sponsors or finances the activity
5 or who is identified by name with the activity.

6 (c) Except as ~~otherwise~~ provided in subsection (2)(f) or
7 (g), an expenditure made for poll watchers, challengers,
8 distribution of election day literature, canvassing of voters to
9 get out the vote, or transporting voters to the polls.

10 **(d) Except as provided in subsection (2)(a), (b), or (c), an**
11 **expenditure made for an automated telephonic communication to an**
12 **elector regarding a candidate or a ballot question.**

13 (2) Expenditure does not include any of the following:

14 (a) An expenditure for communication by a person with the
15 person's paid members or shareholders and those individuals who
16 can be solicited for contributions to a separate segregated fund
17 under section 55.

18 (b) An expenditure for communication on a subject or issue if
19 the communication does not support or oppose a ballot question or
20 candidate by name or clear inference.

21 (c) An expenditure for the establishment, administration, or
22 solicitation of contributions to a separate segregated fund or
23 independent committee.

24 (d) An expenditure by a broadcasting station, newspaper,
25 magazine, or other periodical or publication for a news story,
26 commentary, or editorial in support of or opposition to a
27 candidate for elective office or a ballot question in the regular

1 course of publication or broadcasting.

2 (e) An offer or tender of an expenditure if expressly and
3 unconditionally rejected or returned.

4 (f) An expenditure for nonpartisan voter registration or
5 nonpartisan get-out-the-vote activities made by an organization
6 that is exempt from federal income tax pursuant to section
7 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. 501, or
8 any successor statute.

9 (g) An expenditure for nonpartisan voter registration or
10 nonpartisan get-out-the-vote activities performed pursuant to
11 sections 491 to 524 of the Michigan election law, ~~Act No. 116 of~~
12 ~~the Public Acts of 1954, being sections 168.491 to 168.524 of the~~
13 ~~Michigan Compiled Laws— 1954 PA 116, MCL 168.491 to 168.524~~, by
14 the secretary of state and other registration officials who are
15 identified by name with the activity.

16 **Sec. 48. (1) Except for an automated telephonic**
17 **communication by or in behalf of an individual acting**
18 **independently and not as an agent for a candidate or a committee,**
19 **an automated telephonic communication to an elector that relates**
20 **to an election, a candidate, or a ballot question shall clearly**
21 **state the identity of the person paying for the communication.**
22 **If the communication described in this subsection relates to a**
23 **candidate and is an independent expenditure not authorized in**
24 **writing by a candidate's candidate committee, the communication**
25 **shall clearly state the following disclaimer: "Not authorized by**
26 **a candidate committee". If the communication described in this**
27 **subsection relates to a candidate and is not an independent**

1 expenditure, but is paid for by a person other than the candidate
2 to whom it is related, the communication shall clearly state the
3 following disclaimer: "Authorized by (name of candidate or name
4 of candidate committee)".

5 (2) A person that is not a committee that makes a
6 communication described in subsection (1) for a candidate or a
7 committee shall provide all of the following information to the
8 secretary of state:

9 (a) The identity of the person.

10 (b) The address and telephone number where the person can be
11 contacted during ordinary business hours.

12 (c) The name of each candidate or committee for which the
13 person has made a communication to which this subsection
14 applies.

15 (3) For each month in which a person makes a communication to
16 which subsection (2) applies, the person shall provide the
17 information required by subsection (2) to the secretary of state
18 on or before the fifteenth day of the following month.

19 (4) The secretary of state shall make the information
20 provided under this section available to the public.

21 (5) A person who knowingly violates this section is guilty of
22 a misdemeanor punishable by a fine of not more than \$1,000.00.