

HOUSE BILL No. 6133

June 1, 2006, Introduced by Reps. Nofs, Taub, Tobocman, Vagnozzi, Espinoza, Sheltroun, Schuitmaker, Elsenheimer, Ward, Stahl, Proos, Mortimer, Ball, Nitz and Kooiman and referred to the Committee on House Oversight, 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 2001 PA 250,
and by adding section 48.

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 bear upon it the
5 name and address of the person paying for the matter. Except as
6 otherwise provided in this subsection and subject to subsections
7 (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, the printed matter shall 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.

(2) A radio or television paid advertisement having reference to an election, a candidate, or a ballot question shall identify the sponsoring person as required by the federal communications commission, shall bear the name of the person paying for the advertisement, and shall be in compliance with subsection (3) and with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall 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 contain the following disclaimer:

~~"Authorized by~~

~~_____ (name of candidate or name of candidate committee)~~

"I AM _____ AND I APPROVE THIS MESSAGE."

(NAME OF CANDIDATE)

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and

1 certain other items such as campaign buttons or balloons, the size
2 of which makes it unreasonable to add an identification or
3 disclaimer, from the identification or disclaimer required by this
4 section.

5 (4) Except for a candidate committee's printed matter or radio
6 or television paid advertisements, each identification or
7 disclaimer required by this section shall also indicate that the
8 printed matter or radio or television paid advertisement is paid
9 for "with regulated funds". Printed matter or a radio or television
10 paid advertisement that is not subject to this act shall not bear
11 the statement required by this subsection.

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

15 **SEC. 48. (1) A COMMUNICATION RELATING TO A CANDIDATE THAT IS**
16 **DESIGNED TO CONTACT ELECTORS THROUGH TELEPHONIC, ELECTRONIC MAIL,**
17 **OR OTHER ELECTRONIC MEANS SHALL CLEARLY STATE THE NAME AND ADDRESS**
18 **OF THE PERSON PAYING FOR THE COMMUNICATION.**

19 **(2) IF THE COMMUNICATION DESCRIBED IN SUBSECTION (1) RELATES**
20 **TO A CANDIDATE AND IS AN INDEPENDENT EXPENDITURE NOT AUTHORIZED IN**
21 **WRITING BY THAT CANDIDATE'S CANDIDATE COMMITTEE, THE COMMUNICATION**
22 **SHALL ALSO CLEARLY STATE THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED**
23 **BY ANY CANDIDATE COMMITTEE". IF THE COMMUNICATION DESCRIBED IN**
24 **SUBSECTION (1) RELATES TO A CANDIDATE AND IS NOT AN INDEPENDENT**
25 **EXPENDITURE, BUT IS PAID FOR BY A PERSON OTHER THAN THE CANDIDATE**
26 **TO WHOM IT IS RELATED, THE COMMUNICATION SHALL ALSO CLEARLY STATE**
27 **THE FOLLOWING DISCLAIMER:**

1 "AUTHORIZED BY _____".

2 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

3 (3) FOR A VISUAL COMMUNICATION GOVERNED BY THIS SECTION, THE
4 SECRETARY OF STATE SHALL PROMULGATE RULES REGULATING THE SIZE AND
5 PLACEMENT OF AN IDENTIFICATION OR DISCLAIMER REQUIRED BY THIS
6 SECTION.

7 (4) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF
8 A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
9 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

10 Enacting section 1. This amendatory act takes effect January
11 31, 2007.