

SENATE BILL No. 1443

September 14, 2006, Introduced by Senator McMANUS and referred to the Committee on Government Operations.

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.

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) **AND (5)**, a billboard,
3 placard, poster, pamphlet, or other printed matter having reference
4 to an election, a candidate, or a ballot question, shall bear upon
5 it the name and address of the person paying for the matter. Except
6 as otherwise provided in this subsection and subject to subsections
7 ~~(3) and~~ (4) **AND (5)**, if the printed matter relating to a candidate

1 is an independent expenditure that is not authorized in writing by
 2 the candidate committee of that candidate, the printed matter shall
 3 contain the following disclaimer: "Not authorized by any candidate
 4 committee". An individual other than a candidate is not subject to
 5 this subsection if the individual is acting independently and not
 6 acting as an agent for a candidate or any committee.

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

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

17 (b) If the radio or television paid advertisement relates to a
 18 candidate and is not an independent expenditure but is paid for by
 19 a person other than the candidate to ~~which it is related~~ **WHOM IT**
 20 **RELATES**, the advertisement shall contain the following disclaimer:
 21 "Authorized by.....".

22 (name of candidate or name of candidate committee)

23 (3) **A COMMUNICATION THAT RELATES TO AN ELECTION, CANDIDATE, OR**
 24 **BALLOT QUESTION MADE USING MEDIA OTHER THAN MEDIA TO WHICH**
 25 **SUBSECTION (1) OR (2) APPLIES SHALL IDENTIFY BY NAME THE PERSON**
 26 **PAYING FOR THE COMMUNICATION AND STATE 1 OF THE FOLLOWING, AS**
 27 **APPLICABLE:**

(A) IF THE COMMUNICATION RELATES TO A CANDIDATE AND IS AN INDEPENDENT EXPENDITURE, THE COMMUNICATION SHALL CONTAIN THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY CANDIDATE.".

(B) IF THE COMMUNICATION RELATES TO A CANDIDATE, IS PAID FOR BY A PERSON OTHER THAN THE CANDIDATE TO WHOM IT RELATES, AND IS NOT AN INDEPENDENT EXPENDITURE, THE COMMUNICATION SHALL CONTAIN THE FOLLOWING DISCLAIMER:

"AUTHORIZED BY.....".

(NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

(4) ~~—(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 ~~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.

(5) ~~—(4)—~~ Except for a candidate committee's printed matter or radio or television paid advertisements, each identification or disclaimer required by ~~this section~~ **SUBSECTION (1) OR (2)** shall 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 not bear the statement required by this subsection.

(6) ~~—(5)—~~ 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) AS USED IN THIS SECTION, "MEDIA" MEANS ANY MEANS OF

1 COMMUNICATION IN WHICH THE COMMUNICATION IS MADE BY MACHINERY.