

# Legislative Analysis

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## TELEPHONE AND ELECTRONIC CAMPAIGNING

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### House Bill 4239

**Sponsor: Rep. Michael Sak**

**Committee: Ethics and Elections**

**Complete to 3-5-07**

### A SUMMARY OF HOUSE BILL 4239 AS INTRODUCED 2-7-07

The bill would amend the Michigan Campaign Finance Act to require that a communication relating to a candidate that was designed to contact electors through telephonic, electronic mail, or other electronic means clearly state the name and address of the person paying for the communication.

The bill also would revise the identifying statement for radio and television campaign ads. Currently, the statement says, "Authorized by (Name of Candidate)." The bill would make the disclaimer say: "I am (Name of Candidate) and I approve this message."

#### Telephonic and Electronic Communications.

If the communication related to a candidate and was an independent expenditure not authorized in writing by that candidate's committee, then the communication would have to clearly state the following disclaimer: "Not authorized by any candidate committee." If the communication related to a candidate and was not an independent expenditure, but was paid for by a person other than the candidate, the communication would have to clearly state the following disclaimer: "Authorized by\_\_\_\_\_."

The bill specifies that for a visual communication, the secretary of state would be required to promulgate rules regulating the size and placement of an identification or disclaimer.

A person who knowingly violated the new provisions would be guilty of a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more than \$500.

The bill would take effect January 31, 2009.

MCL 169.247 and 248

### **FISCAL IMPACT:**

There would be an indeterminate amount of administrative costs to the Department of State as they would be required to promulgate rules regulating the size and placement of an identification or disclaimer.

To the extent that the bill increased the numbers of misdemeanor convictions, it could increase local costs of jail incarceration or misdemeanor probation, both of which vary by jurisdiction. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.