

**SUBSTITUTE FOR
HOUSE BILL NO. 4239**

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
5 the name and address of the person paying for the matter. Except
6 as otherwise provided in this subsection and subject to
7 subsections (3) and (4), if the printed matter relating to a
8 candidate is an independent expenditure that is not authorized in
9 writing by the candidate committee of that candidate, the printed

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

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

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

16 (b) If the radio or television paid advertisement relates to
 17 a candidate and is not an independent expenditure but is paid for
 18 by a person other than the candidate to which it is related, the
 19 advertisement shall contain the following disclaimer:

20 ~~"Authorized by"~~
 21 ~~(name of candidate or name of candidate committee)~~
 22 **"I AM _____ AND I APPROVE THIS MESSAGE."**
 23 **(NAME OF CANDIDATE)**

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

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

5 (4) Except for a candidate committee's printed matter or
6 radio 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
10 television paid advertisement that is not subject to this act
11 shall not bear the statement required by this subsection.

12 (5) A person who knowingly violates this section is guilty
13 of a misdemeanor punishable by a fine of not more than \$1,000.00,
14 or 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 AND TO WHICH SECTION 47 DOES NOT APPLY**
18 **SHALL CLEARLY STATE THE NAME OF THE PERSON PAYING FOR THE**
19 **COMMUNICATION.**

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

1 CLEARLY STATE THE FOLLOWING DISCLAIMER:

2 "AUTHORIZED BY _____".
3 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

4 (3) A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION (1)
5 SHALL STATE THE NAME OF THE PERSON PAYING FOR THE COMMUNICATION
6 AND ANY DISCLAIMERS REQUIRED UNDER SUBSECTION (2) AT THE
7 BEGINNING OF THE TELEPHONIC COMMUNICATION. A TELEPHONIC
8 COMMUNICATION DESCRIBED IN SUBSECTION (1) SHALL NOT TAKE PLACE
9 BETWEEN THE HOURS OF 9 P.M. AND 9 A.M.

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

14 (5) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY
15 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
16 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

17 Enacting section 1. This amendatory act takes effect January
18 31, 2009.