

HOUSE BILL No. 4184

February 11, 2015, Introduced by Reps. Plawecki, Smiley, Driskell, Derek Miller, Moss, Lucido, Schor and Sarah Roberts and referred to the Committee on Elections.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 47 (MCL 169.247), as amended by 2013 PA 252.

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
10 matter shall contain the following disclaimer: "Not authorized by
11 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. This subsection does not apply to communications between a separate segregated fund established under section 55 and individuals who can be solicited for contributions to that separate segregated fund under section 55.

(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)

(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

1 or balloons, the size of which makes it unreasonable to add an
2 identification or disclaimer, from the identification or
3 disclaimer required by this section.

4 (4) Except for a communication described in subsection (5)
5 and except for a candidate committee's printed matter or radio or
6 television paid advertisements, each identification or disclaimer
7 required by this section shall also indicate that the printed
8 matter or radio or television paid advertisement is paid for
9 "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 communication otherwise entirely exempted from this
13 act under section 6(2)(j) is subject only to the identification
14 required by subsection (1), (2), or (8) if that communication
15 references a clearly identified candidate or ballot question
16 ~~within~~ **DURING THE PERIOD BEGINNING** 60 days before a ~~general~~
17 ~~election or 30 days before a primary election~~ **AND CONTINUING**
18 **THROUGH THE DATE OF THE ELECTION FOLLOWING THAT PRIMARY ELECTION**
19 in which the candidate or ballot question appears on a ballot and
20 is targeted to the relevant electorate where the candidate or
21 ballot question appears on the ballot by means of radio,
22 television, mass mailing, or prerecorded telephone message.

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

26 (7) As used in this section, "mass mailing" means a mailing
27 by United States mail or facsimile of more than 500 pieces of

1 mail matter of an identical or substantially similar nature
2 within any 30-day period.

3 (8) A prerecorded telephone message that in express terms
4 advocates the election or defeat of a clearly identified
5 candidate, or the qualification, passage, or defeat of a ballot
6 question, ~~shall~~**MUST** contain the name and telephone number,
7 address, or other contact information of the person paying for
8 the prerecorded telephone message, and ~~shall~~ be in compliance
9 with subsection (4).

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.