



HOUSE BILL No. 5668

March 7, 1996, Introduced by Rep. Hill and referred to the Committee on House Oversight and Ethics.

A bill to amend the title and sections 2 and 11 of Act No. 388 of the Public Acts of 1976, entitled as amended "Michigan campaign finance act," section 2 as amended by Act No. 385 of the Public Acts of 1994 and section 11 as amended by Act No. 264 of the Public Acts of 1995, being sections 169.202 and 169.211 of the Michigan Compiled Laws; and to add sections 48, 48a, 48b, and 48c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2 and 11 of Act No. 388
2 of the Public Acts of 1976, section 2 as amended by Act No. 385
3 of the Public Acts of 1994 and section 11 as amended by Act
4 No. 264 of the Public Acts of 1995, being sections 169.202 and
5 169.211 of the Michigan Compiled Laws, are amended and
6 sections 48, 48a, 48b, and 48c are added to read as follows:

1 TITLE

2 An act to regulate political activity; to regulate campaign
3 financing; to restrict campaign contributions and expenditures;
4 to require campaign statements and reports; to regulate anonymous
5 contributions; to regulate campaign advertising and literature;
6 to provide for segregated funds for political purposes; to pro-
7 vide for the use of public funds for political purposes; to
8 create certain funds; to provide for reversion, retention, or
9 refunding of unexpended balances in certain funds; to require
10 other statements and reports; to regulate acceptance of certain
11 gifts, payments, and reimbursements; to prescribe the powers and
12 duties of certain state departments and state and local officials
13 and employees; TO CREATE CERTAIN BOARDS; to provide appropria-
14 tions; to prescribe penalties and provide remedies; and to repeal
15 ~~certain~~ acts and parts of acts.

16 Sec. 2. (1) "Award" means a plaque, trophy, certificate,
17 bust, ceremonial gavel, or memento.

18 (2) "Ballot question" means a question that is submitted or
19 is intended to be submitted to a popular vote at an election
20 whether or not it qualifies for the ballot.

21 (3) "Ballot question committee" means a committee acting in
22 support of, or in opposition to, the qualification, passage, or
23 defeat of a ballot question but which does not receive contribu-
24 tions or make expenditures or contributions for the purpose of
25 influencing or attempting to influence the action of the voters
26 for or against the nomination or election of a candidate.

1 (4) "BOARD" MEANS THE CLEAN CAMPAIGN OVERSIGHT BOARD CREATED
2 BY SECTION 48.

3 (5) ~~(4)~~ "Business" means a corporation, partnership, sole
4 proprietorship, firm, enterprise, franchise, association, organi-
5 zation, self-employed individual, holding company, joint stock
6 company, receivership, trust, activity, or entity that is orga-
7 nized for profit or nonprofit purposes.

8 Sec. 11. (1) "Person" means a business, individual, propri-
9 etorship, firm, partnership, joint venture, syndicate, business
10 trust, labor organization, company, corporation, association,
11 committee, or any other organization or group of persons acting
12 jointly.

13 (2) "POLITICAL ADVERTISEMENT" MEANS A RADIO, TELEVISION, OR
14 PRINT ADVERTISEMENT THAT CONTAINS A POLITICAL MESSAGE.

15 (3) ~~(2)~~ "Political committee" means a committee that is
16 not a candidate committee, political party committee, independent
17 committee, or ballot question committee.

18 (4) ~~(3)~~ "Political merchandise" means goods such as bumper
19 stickers, pins, hats, beverages, literature, or other items sold
20 by a person at a fund raiser or to the general public for public-
21 ity or for the purpose of raising funds to be used in supporting
22 or opposing a candidate for nomination for or election to an
23 elective office or in supporting or opposing the qualification,
24 passage, or defeat of a ballot question.

25 (5) ~~(4)~~ "Political party" means a political party ~~which~~
26 THAT has a right under law to have the names of its candidates
27 listed on the ballot in a general election.

1 (6) ~~(5)~~ "Political party committee" means a state central,
2 district, or county committee of a political party which is a
3 committee. Each state central committee shall designate the
4 official party county and district committees. There shall not
5 be more than 1 officially designated political party committee
6 per county and per congressional district.

7 (7) ~~(6)~~ "Public body" means a legislative or governing
8 body of this state or political subdivision of this state that is
9 empowered by the state constitution of 1963, statute, charter,
10 ordinance, resolution, or rule to exercise governmental or pro-
11 prietary authority or perform a governmental or proprietary
12 function. Public body includes but is not limited to a board,
13 commission, authority, or council that meets the requirements of
14 this subsection.

15 SEC. 48. (1) THERE IS CREATED IN THE DEPARTMENT OF STATE A
16 CLEAN CAMPAIGN OVERSIGHT BOARD THAT CONSISTS OF THE FOLLOWING 5
17 MEMBERS:

18 (A) AN INDIVIDUAL REPRESENTING A NONPARTISAN ORGANIZATION
19 THAT ADVOCATES VOTER PARTICIPATION, WHICH ORGANIZATION IS NOT
20 ASSOCIATED WITH ANY CANDIDATE OR POLITICAL PARTY. THE BOARD
21 MEMBER UNDER THIS SUBDIVISION IS THE CHAIRPERSON OF THE BOARD.

22 (B) AN INDIVIDUAL REPRESENTING PRINT OR BROADCAST MEDIA PRO-
23 FESSIONALS IN THIS STATE.

24 (C) AN INDIVIDUAL WHO WAS FORMERLY ELECTED TO A NONPARTISAN
25 LOCAL ELECTIVE OFFICE.

26 (D) AN INDIVIDUAL FROM THE REPUBLICAN PARTY WHO IS IN A
27 LEADERSHIP POSITION IN THE MICHIGAN LEGISLATURE.

1 (E) AN INDIVIDUAL FROM THE DEMOCRATIC PARTY WHO IS IN A
2 LEADERSHIP POSITION IN THE MICHIGAN LEGISLATURE.

3 (2) ON OR BEFORE THE TWENTIETH DAY OF JANUARY IN AN ODD NUM-
4 BERED YEAR, THE GOVERNOR SHALL APPOINT TO EACH POSITION UNDER
5 SUBSECTION (1)(A), (B), OR (C) THAT IS UP FOR REAPPOINTMENT ON
6 THE BOARD AN INDIVIDUAL WHO MEETS THE CRITERIA ESTABLISHED FOR
7 THAT POSITION. IF AN INDIVIDUAL APPOINTED BY THE GOVERNOR UNDER
8 THIS SUBSECTION DECLINES TO SERVE, THE GOVERNOR SHALL APPOINT
9 ANOTHER INDIVIDUAL TO THAT POSITION ON THE BOARD WHO MEETS THE
10 CRITERIA ESTABLISHED FOR THAT POSITION.

11 (3) ON OR BEFORE THE TENTH DAY OF JANUARY IN AN ODD NUMBERED
12 YEAR, THE LEGISLATIVE LEADERS OF EACH POLITICAL PARTY IN THE
13 MICHIGAN LEGISLATURE THAT IS ENTITLED TO A REPRESENTATIVE ON THE
14 BOARD UNDER SUBSECTION (1)(D) OR (E) SHALL SUBMIT TO THE GOVERNOR
15 THE NAMES OF 3 INDIVIDUALS AS NOMINEES FOR EACH POSITION THAT THE
16 POLITICAL PARTY IS ENTITLED TO THAT IS UP FOR REAPPOINTMENT. ON
17 OR BEFORE THE TWENTIETH DAY OF JANUARY IN AN ODD NUMBERED YEAR,
18 THE GOVERNOR SHALL APPOINT 1 INDIVIDUAL FROM THE INDIVIDUALS NOM-
19 INATED TO EACH POSITION UP FOR REAPPOINTMENT ON THE BOARD. IF
20 THE LEGISLATIVE LEADERS OF A POLITICAL PARTY IN THE MICHIGAN LEG-
21 ISLATURE THAT IS ENTITLED TO A REPRESENTATIVE ON THE BOARD FAIL
22 TO SUBMIT THE NAMES OF NOMINEES WITHIN THE PRESCRIBED PERIOD OF
23 TIME IN THIS SUBSECTION, THE GOVERNOR SHALL APPOINT TO THE BOARD
24 AN INDIVIDUAL WHO MEETS THE CRITERIA ESTABLISHED FOR THAT
25 POSITION. IF AN INDIVIDUAL APPOINTED BY THE GOVERNOR UNDER THIS
26 SUBSECTION DECLINES TO SERVE, THE GOVERNOR SHALL APPOINT ANOTHER
27 INDIVIDUAL FROM THE 3 INDIVIDUALS NOMINATED BY THE LEGISLATIVE

1 LEADERS TO THAT POSITION ON THE BOARD OR, IF NO NAMES REMAIN
2 AVAILABLE, APPOINT AN INDIVIDUAL WHO MEETS THE CRITERIA ESTAB-
3 LISHED FOR THAT POSITION.

4 (4) THE GOVERNOR SHALL FILL A VACANCY IN THE BOARD IN THE
5 SAME MANNER AS THE ORIGINAL MEMBER WAS APPOINTED. A MEMBER OF
6 THE BOARD SHALL SERVE A 4-YEAR TERM AND UNTIL HIS OR HER SUCCES-
7 SOR IS APPOINTED AND QUALIFIED. A MEMBER OF THE BOARD IS NOT
8 ENTITLED TO COMPENSATION FOR HIS OR HER SERVICE AS A BOARD MEMBER
9 BUT MAY BE REIMBURSED FOR EXPENSES INCURRED IN THE ADMINISTRATION
10 OF HIS OR HER BOARD DUTIES, IF FUNDS ARE AVAILABLE.

11 SEC. 48A. (1) UPON THE BOARD'S REQUEST, THE BUREAU OF ELEC-
12 TIONS SHALL PROVIDE CLERICAL ASSISTANCE TO THE BOARD.

13 (2) THE BUSINESS THAT THE BOARD MAY PERFORM SHALL BE CON-
14 DUCTED AT A PUBLIC MEETING OF THE BOARD HELD IN COMPLIANCE WITH
15 THE OPEN MEETINGS ACT, ACT NO. 267 OF THE PUBLIC ACTS OF 1976,
16 BEING SECTIONS 15.261 TO 15.275 OF THE MICHIGAN COMPILED LAWS.
17 THE BOARD SHALL GIVE PUBLIC NOTICE OF THE TIME, DATE, AND PLACE
18 OF A BOARD MEETING IN THE MANNER REQUIRED BY ACT NO. 267 OF THE
19 PUBLIC ACTS OF 1976.

20 (3) THE BOARD SHALL MEET NOT LESS THAN 3 TIMES PER YEAR.
21 SPECIAL BOARD MEETINGS SHALL BE HELD AT THE CALL OF THE CHAIR-
22 PERSON OR A MAJORITY OF THE MEMBERS OF THE BOARD. FOR ITS OWN
23 PROCEDURE, THE BOARD SHALL ESTABLISH GUIDELINES IN THE MANNER
24 PRESCRIBED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT
25 NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO
26 24.328 OF THE MICHIGAN COMPILED LAWS. A MAJORITY OF THE BOARD
27 CONSTITUTES A QUORUM, BUT A SMALLER NUMBER MAY TRANSACT ROUTINE

1 BUSINESS AND RECEIVE REPORTS FROM THE STAFF. A MAJORITY OF THE
2 MEMBERSHIP SHALL CONCUR IN ANY RECOMMENDATION OF THE BOARD.

3 (4) THE CHAIRPERSON OF THE BOARD OR A MEMBER DESIGNATED BY
4 THE CHAIRPERSON MAY EXAMINE BOOKS AND RECORDS OF A PERSON, PART-
5 NERSHIP, OR CORPORATION INVOLVED IN A MATTER PROPERLY BEFORE THE
6 BOARD.

7 (5) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
8 OR RETAINED BY THE BOARD IN THE PERFORMANCE OF AN OFFICIAL FUNC-
9 TION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH THE
10 FREEDOM OF INFORMATION ACT, ACT NO. 442 OF THE PUBLIC ACTS OF
11 1976, BEING SECTIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED
12 LAWS.

13 SEC. 48B. THE BOARD SHALL DO ALL OF THE FOLLOWING:

14 (A) DEVELOP AND IMPLEMENT A VOLUNTARY CLEAN CAMPAIGN PLEDGE
15 PROGRAM FOR CAMPAIGN MATERIAL AND POLITICAL ADVERTISEMENTS.

16 (B) DEVELOP A CLEAN CAMPAIGN PLEDGE SEAL OR SYMBOL THAT A
17 CANDIDATE WHO FILES THE PLEDGE WITH THE BOARD AND PAYS THE FEE
18 MAY USE IN HIS OR HER CAMPAIGN MATERIALS AND POLITICAL
19 ADVERTISEMENTS.

20 (C) IN CONJUNCTION WITH THE BUREAU OF ELECTIONS, DEVELOP AND
21 IMPLEMENT A PUBLIC AWARENESS CAMPAIGN TO EDUCATE CANDIDATES AND
22 THE GENERAL PUBLIC ABOUT THE CLEAN CAMPAIGN PLEDGE PROGRAM.

23 (D) RECEIVE AND MAINTAIN ON FILE FOR 2 ELECTION CYCLES FOR
24 EACH CANDIDATE THE CLEAN CAMPAIGN PLEDGES FILED WITH THE BOARD.

25 (E) RECEIVE AND HEAR COMPLAINTS FROM CANDIDATES OR CANDIDATE
26 COMMITTEES ARISING OUT OF THE PUBLICATION, DISTRIBUTION, OR

1 DISSEMINATION OF CAMPAIGN MATERIALS OR POLITICAL ADVERTISEMENTS
2 IN WHICH THE CLEAN CAMPAIGN PLEDGE SEAL OR SYMBOL IS USED.

3 (F) IF A CANDIDATE IS FOUND TO HAVE VIOLATED THE PLEDGE,
4 PREPARE AND PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION A
5 NOTICE THAT INDICATES THAT THE CANDIDATE HAS VIOLATED THE PLEDGE,
6 WHICH NOTICE IDENTIFIES THE CAMPAIGN MATERIAL OR POLITICAL ADVER-
7 TISEMENT THAT VIOLATED THAT PLEDGE.

8 (G) RECEIVE FEES UNDER SECTION 48C AND EXPEND THOSE FEES
9 SOLELY TO DEFRAY THE COSTS OF PREPARING AND PUBLISHING THE
10 NOTICES REQUIRED UNDER SUBDIVISION (F).

11 (H) RECEIVE AND EXPEND OTHER FUNDS, BOTH PUBLIC AND PRIVATE,
12 IN THE PERFORMANCE OF THE BOARD'S POWERS AND DUTIES UNDER THIS
13 ACT.

14 (I) PERFORM ALL OTHER DUTIES PRESCRIBED IN THIS ACT.

15 SEC. 48C. (1) A CANDIDATE MAY VOLUNTARILY SIGN THE CLEAN
16 CAMPAIGN PLEDGE PRESCRIBED IN THIS SUBSECTION. A CANDIDATE WHO
17 SIGNS THE CLEAN CAMPAIGN PLEDGE AGREES TO FOLLOW THE PRINCIPLES
18 PRESCRIBED IN THE PLEDGE. THE TEXT OF THE CLEAN CAMPAIGN PLEDGE
19 IS AS FOLLOWS:

20 "CLEAN CAMPAIGN PLEDGE

21 1. I PLEDGE TO CAMPAIGN OPENLY AND HONESTLY, AND TO PROMOTE
22 THE IDEAS AND ISSUES I STAND FOR.

23 2. I PLEDGE THAT MY CAMPAIGN WILL SEEK TO RESPECT THE
24 INTEGRITY OF MY OPPONENTS, WHILE DESCRIBING LEGITIMATE POLICY
25 DIFFERENCES BETWEEN US.

1 CAMPAIGN PLEDGE SEAL OR SYMBOL IN HIS OR HER CAMPAIGN MATERIALS
2 OR POLITICAL ADVERTISEMENTS.

3 (3) IF THE BOARD DETERMINES THAT A CANDIDATE HAS VIOLATED
4 THE PRINCIPLES PRESCRIBED IN THE PLEDGE OR HAS USED THE CLEAN
5 CAMPAIGN PLEDGE SEAL OR SYMBOL WITHOUT AUTHORIZATION UNDER THIS
6 SECTION, THE CANDIDATE SHALL NOT USE THE CLEAN CAMPAIGN PLEDGE
7 SEAL OR SYMBOL FOR THE BALANCE OF THE CAMPAIGN. A CANDIDATE
8 DESCRIBED IN THIS SUBSECTION IS NOT ELIGIBLE AND THE BOARD SHALL
9 NOT ALLOW THE CANDIDATE TO FILE A SIGNED CLEAN CAMPAIGN PLEDGE OR
10 PAY THE FEE DURING THE IMMEDIATELY SUCCEEDING ELECTION CYCLE FOR
11 THAT CANDIDATE.