



HOUSE BILL No. 5765

April 17, 1996, Introduced by Rep. Fitzgerald and referred to the Committee on House Oversight and Ethics.

A bill to amend section 47 of Act No. 388 of the Public Acts of 1976, entitled as amended "Michigan campaign finance act," being section 169.247 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 47 of Act No. 388 of the Public Acts of
2 1976, being section 169.247 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 47. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
5 TION, A PERSON WHO PAYS FOR A billboard, placard, poster, pam-
6 phlet, or other printed matter ~~having reference to an~~ THAT
7 EXPRESSLY ADVOCATES THE NOMINATION, election, OR DEFEAT OF a can-
8 didate, or THE QUALIFICATION, PASSAGE, OR DEFEAT OF A ballot
9 question, shall ~~bear upon it the name and address of the person~~
10 ~~paying for the matter~~ CAUSE THE WORDS "PAID FOR BY" FOLLOWED BY

1 THE PERSON'S NAME AND ADDRESS TO BE PLACED UPON THE ITEM. IF THE
2 BILLBOARD, PLACARD, POSTER, PAMPHLET, OR OTHER PRINTED MATTER
3 RELATING TO A CANDIDATE OR A BALLOT QUESTION IS AN INDEPENDENT
4 EXPENDITURE, THE PERSON WHO PAYS FOR THE ITEM SHALL CAUSE 1 OF
5 THE FOLLOWING DISCLAIMERS TO BE PLACED UPON THE ITEM, AS
6 APPLICABLE:

7 (A) "NOT AUTHORIZED BY THE CANDIDATE COMMITTEE
8 OF".
9 (CANDIDATE'S NAME)

10 (B) "NOT AUTHORIZED BY THE BALLOT QUESTION COMMITTEE
11 NAMED".
12 (NAME OF COMMITTEE)

13 (2) AN INDIVIDUAL OTHER THAN A CANDIDATE IS NOT REQUIRED TO
14 PLACE UPON AN ITEM DESCRIBED IN SUBSECTION (1) HIS OR HER NAME
15 AND ADDRESS IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

16 (A) THE PRINTED MATTER IS A COMMUNICATION OF THE VIEWS OF
17 THAT INDIVIDUAL AND IS NOT A REPUBLICATION IN WHOLE OR IN PART OF
18 ANY WRITTEN, GRAPHIC, OR OTHER FORM OF CAMPAIGN MATERIAL PREPARED
19 BY A CANDIDATE OR A COMMITTEE, OR ANY OF THEIR AUTHORIZED
20 AGENTS. IN PRINTED MATTER DESCRIBED IN THIS SUBDIVISION, AN
21 INDIVIDUAL MAY USE BRIEF QUOTATIONS FROM SPEECHES OR OTHER MATE-
22 RIALS OF A CANDIDATE OR A COMMITTEE THAT DEMONSTRATE THE
23 CANDIDATE'S OR COMMITTEE'S POSITION AS PART OF THE INDIVIDUAL'S
24 EXPRESSION OF HIS OR HER OWN VIEWS.

25 (B) THE INDIVIDUAL EXPENDS LESS THAN \$1,000.00 TOTAL FOR THE
26 CREATION AND DISSEMINATION OF THE PRINTED MATTER.

27 (3) ~~(2)~~ A PERSON SHALL NOT PURCHASE A radio or television
28 ~~paid~~ advertisement ~~having reference~~ THAT RELATES to an

1 election, a candidate, or A ballot question ~~shall identify~~
 2 UNLESS THE ADVERTISEMENT IDENTIFIES the sponsoring person as
 3 required by the federal communications commission ~~, shall bear~~
 4 AND BEARS the name of the person paying for the advertisement.
 5 ~~, and shall be in compliance with~~ A PERSON SHALL NOT PURCHASE A
 6 RADIO OR TELEVISION ADVERTISEMENT UNLESS THE ADVERTISEMENT CON-
 7 TAINS 1 OF the following DISCLAIMERS, AS APPLICABLE:

8 (a) If the radio or television paid advertisement relates to
 9 a candidate and is an independent expenditure: ~~, the advertise-~~
 10 ~~ment shall contain the following disclaimer:~~ "Not authorized by
 11 any candidate".

12 (b) If the radio or television paid advertisement relates to
 13 a candidate and is not an independent expenditure but is paid for
 14 by a person other than the candidate to which it is related: ~~7~~
 15 ~~the advertisement shall contain the following disclaimer:~~
 16 "Authorized by".
 17 (name of candidate or name of candidate committee)

18 ~~(3) If the printed matter relating to a candidate is an~~
 19 ~~independent expenditure which was not authorized in writing by~~
 20 ~~the candidate committee of that candidate, the printed matter~~
 21 ~~shall contain the following disclaimer:~~ "Not authorized by the
 22 ~~candidate committee of~~"
 23 ~~_____ (candidate's name)~~

24 (4) The SECRETARY OF STATE SHALL PROMULGATE RULES THAT
 25 DETERMINE THE size and placement of the disclaimer ~~shall be~~
 26 ~~determined by rules promulgated by the secretary of state~~
 27 REQUIRED UNDER THIS SECTION. ~~The rules~~ IN RULES PROMULGATED
 28 UNDER THIS SECTION, THE SECRETARY OF STATE may exempt printed

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

5 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT TO THE
6 CONTRARY, A PERSON OR A PERSON'S AGENT SHALL NOT KNOWINGLY MAKE,
7 PUBLISH, DISSEMINATE, CIRCULATE, OR PLACE BEFORE THE PUBLIC, OR
8 KNOWINGLY CAUSE DIRECTLY OR INDIRECTLY TO BE MADE, PUBLISHED,
9 DISSEMINATED, CIRCULATED, OR PLACED BEFORE THE PUBLIC, EITHER
10 ORALLY OR IN WRITING, AN ASSERTION, REPRESENTATION, OR STATEMENT
11 OF FACT CONCERNING A CANDIDATE THAT IS FALSE, DECEPTIVE, SCURRI-
12 LOUS, OR MALICIOUS, WITHOUT THE TRUE NAME OF THE AUTHOR BEING
13 SUBSCRIBED TO THE ASSERTION, REPRESENTATION, OR STATEMENT IF
14 WRITTEN, OR ANNOUNCED IF UNWRITTEN.

15 (6) ~~(4)~~ A person who knowingly violates this section is
16 guilty of a misdemeanor ~~and shall be punished~~ PUNISHABLE, IF
17 THE PERSON IS AN INDIVIDUAL, by a fine of not more than \$1,000.00
18 ~~,~~ or ~~imprisoned~~ IMPRISONMENT for not more than ~~90~~ 93 days,
19 or both, OR IF THE PERSON IS NOT AN INDIVIDUAL, BY A FINE OF NOT
20 MORE THAN \$10,000.00.

21 Section 2. If any portion of this amendatory act or the
22 application of this amendatory act to any person or circumstance
23 is found to be invalid by a court, the invalidity does not affect
24 the remaining portions or applications of this amendatory act
25 that can be given effect without the invalid portion or applica-
26 tion, if those remaining portions are not determined by the court

1 to be inoperable. To this end, this amendatory act is declared
2 to be severable.