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CREATE FAIR CAMPAIGN PRACTICES COMMISSION

House Bill 4183

Sponsor: Rep. Sharon Gire

Committee: House Oversight and Ethics

Complete to 2-6-97

A SUMMARY OF HOUSE BILL 4183 AS INTRODUCED 1-30-97

The bill would add a new chapter to the Michigan Election Law, to be known as the "Michigan Fair Campaign Practices Commission Act," that would create a bipartisan Michigan Fair Campaign Practices Commission to develop and implement a voluntary rating system for political advertisements.

The commission would be located in the Department of State. The secretary of state's office and its Bureau of Elections would provide assistance to the commission in administering the bill's provisions.

The governor would appoint commission members, two of whom would be Democrats and two of whom would be Republicans, and would fill vacancies in the same manner as the original appointment(s). Commission members would serve four-year terms ("and until their successors [were] appointed and qualified"), and could be reimbursed for expenses incurred in performing their duties.

Each year, the commission would elect from its membership a chairperson and alternate chairperson, who would be from different political parties. The chairpersonship would alternate between the Democratic Party and the Republican Party. The chairperson (or his or her designee) could, upon majority vote of the commission, administer oaths, subpoena witnesses, and examine the books and records of anyone ["a person, partnership, or corporation"] involved in a matter properly before the commission.

The commission would conduct its business at public meetings under the Open Meetings Act, giving public notice of the time, date, and place of the meetings according to that act. The commission would meet at least three times a year, and special meetings could be held at the call of the chair or at the request of a majority of the commission members. The commission would have to establish procedural guidelines under the Administrative Procedures Act. A majority of the commission would constitute a quorum, but a smaller number could transact routine business and receive staff reports. However, a majority of the membership would have to concur in any of the commission's recommendations. Official commission records ("a writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function") would be available to the public under the Freedom of Information Act.

The commission would be required to do all of the following:

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(1) Develop and implement a voluntary rating system for political advertisements that focused on their accuracy;

(2) Assign an "approved" or "disapproved" rating to political ads submitted to the commission by candidates or committees;

(3) Receive and hear complaints from candidates or committees arising out of the publication, distribution, or dissemination of unrated political ads;

(4) Prepare and distribute reports of complaints and hearings ("in a timely fashion, but not later than 30 days after receipt of the complaint") to the appropriate committees and the public before the election, if applicable.

MCL 168.1001 to 168.1005

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