

**MICHIGAN CLEAN CAMPAIGN ACT  
OF 1997**

**House Bill 4711**

**Sponsor: Rep. Karen Willard**

**Committee: House Oversight and Ethics**

**Complete to 9-11-97**

**A SUMMARY OF HOUSE BILL 4711 AS INTRODUCED 5-8-97**

The bill would amend the Michigan Campaign Finance Act by adding two new sections, to be known as the "Michigan Clean Campaign Act of 1997," that would allow candidates voluntarily to subscribe to a "code of fair campaign practices" and that would require certain committees to file affidavits with the secretary of state attesting to the accuracy of paid political advertisements that referred to a candidate or ballot question.

Code of fair campaign practices. The bill would specify the text of a "code of fair campaign practices" that candidates could subscribe to and that would be given to candidate committees (along with the provisions of the bill) when they filed their statements of organization. A candidate who subscribed to the code would pledge to "follow the basic principles of decency, honesty, and fair play in order to encourage healthy competition and open discussion of the issues or candidate qualifications and discourage practices that cloud the issues or unfairly attack opponents." When the filing official gave a candidate committee a blank form of the code, he or she would inform each candidate committee that subscription to the code was voluntary.

A candidate who had filed a copy of the code could indicate this -- and that his or her opponent had not filed a copy of the code -- on any campaign literature or advertising in a form to be determined by the secretary of state.

The text of the code would be as follows:

*Code of Fair Campaign Practices*

*There are basic principles of decency, honesty, and fair play that every candidate for public office in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.*

*Therefore:*

*(1) I will conduct my campaign openly and publicly, and limit attacks on my opponent to legitimate challenges to his or her record.*

(2) *I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attack on a candidate or his or her personal or family life.*

(3) *I will not use or permit an appeal to negative prejudice based on race, sex, sexual orientation, religion, or national origin.*

(4) *I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, and I will not use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.*

(5) *I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections or that hampers or prevents the full and free expression of the will of the voters.*

(6) *I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.*

(7) *I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I will take firm action against a subordinate who violates this code or the laws governing elections.*

*I, the undersigned, candidate for election to public office in this state, do voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign pursuant to the above principles and practices.*

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Date

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Signature

The secretary of state would be responsible for having copies of the code printed, and would have to supply the forms to the county clerks when, and in the amounts, requested by the clerks. The secretary of state and county clerks would have to accept ("at all times before an election") completed copies of the code that were properly subscribed to by a candidate, and would have to keep these copies of the signed code form for public inspection until 30 days after the election. Copies of the code that were properly subscribed to and filed under the bill's provisions would be public records subject to disclosure under the Freedom of Information Act.

Political advertisements: affidavits. The bill would require candidate, independent, political, political party, or ballot question committees to prepare and file an affidavit that paid for a political advertisement -- on radio, television, or in print -- that referred, directly or indirectly, to a candidate or ballot question. The affidavit, which would be filed at the same time and in the same way as a campaign statement, would have to contain a statement that, to the best knowledge of the person signing the affidavit, the information in the advertisement was true and correct. Depending on the kind of committee paying for the political advertisement, different people would be required to sign the required affidavit: the candidate in the case of candidate committees, the chairperson in the case of political party committees, and the treasurer in the

cases of independent committees, political committees, or ballot question committees. Copies of the affidavit would have to be delivered to the radio station, television station, or publisher at the time the committee placed its order for the advertisement.

The bill would further require that with regard to candidate committees of gubernatorial candidates who received money from the state campaign fund, that if the committee paid for radio or TV advertisements that referred directly or indirectly to another candidate for governor, that reference would have to be made directly (and, in the case of TV, directly on camera) by the candidate receiving money from the state campaign fund.

Penalties. The bill would impose a variety of penalties -- including returning state campaign fund money, civil fines, and criminal fines and/or imprisonment -- depending on who violated the bill's advertisement affidavit requirements, whether media consultants, candidates, treasurers, or other individuals responsible for the committee's record keeping. Sanctions imposed by the bill would be cumulative and would not prohibit an action to recover damages for conduct proscribed by the bill or under any other applicable law.

A media consultant who knowingly produced an advertisement for a committee that was false, or that violated the bill's requirements for gubernatorial candidates who received money from the state campaign fund, would be subject to a civil fine of up to \$1,000. If the media consultant caused the broadcast or publication of a false advertisement for a committee, or one that violated the bill's requirements for gubernatorial candidates who received money from the state campaign fund, then the media consultant would be subject to a civil fine of up to \$1,000 for each broadcast or publication of that advertisement.

A gubernatorial candidate who received funds from the state campaign fund and who violated the bill's requirements for such candidates would be required to return to the state campaign fund the amount attributable to the costs of the advertisement that didn't comply with this part of the bill.

A candidate, treasurer, or other individual designated as responsible for keeping the committee's records or for preparing or filing the committee's reports who failed to file or deliver an affidavit as required by the bill would be subject to a civil fine of up to \$1,000. A person who knowingly signed a false affidavit that was required by the bill would be guilty of a misdemeanor, punishable by a fine of up to \$1,000 and/or imprisonment for up to 90 days.

MCL 169.248 and 169.248a

Analyst: S. Ekstrom

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.