

HOUSE BILL No. 4183

January 30, 1997, Introduced by Reps. Gire, Willard, Wetters, Goschka, Wojno, LaForge, Brewer, Martinez, Schermesser, Prusi, Dalman, Schauer, DeHart, Leland, Cherry, Ciaramitaro, Hanley and Callahan and referred to the Committee on House Oversight and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending the title (MCL 168.1 to 168.992), the title as
amended by 1994 PA 441, and by adding chapter XXXVIII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2 An act to reorganize, consolidate, and add to the election
3 laws; to provide for election officials and prescribe their
4 powers and duties; to prescribe the powers and duties of certain
5 state departments, state agencies, and state and local officials
6 and employees; to provide for the nomination and election of can-
7 didates for public office; to provide for the resignation,
8 removal, and recall of certain public officers; to provide for
9 the filling of vacancies in public office; to provide for and
10 regulate primaries and elections; to provide for the purity of

1 elections; to guard against the abuse of the elective franchise;
2 TO CREATE CERTAIN COMMISSIONS; to define violations of this act;
3 to provide appropriations; to prescribe penalties and provide
4 remedies; and to repeal certain acts and all other acts inconsis-
5 tent with this act.

6 CHAPTER XXXVIII

7 SEC. 1001. THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS
8 THE "MICHIGAN FAIR CAMPAIGN PRACTICES COMMISSION ACT".

9 SEC. 1002. AS USED IN THIS CHAPTER:

10 (A) "CANDIDATE" MEANS A CANDIDATE DEFINED IN SECTION 3 OF
11 THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.203.

12 (B) "COMMISSION" MEANS THE MICHIGAN FAIR CAMPAIGN PRACTICES
13 COMMISSION CREATED BY SECTION 1003.

14 (C) "COMMITTEE" MEANS A COMMITTEE ESTABLISHED UNDER THE
15 MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.201 TO
16 169.282.

17 (D) "POLITICAL ADVERTISEMENT" MEANS A RADIO, TELEVISION, OR
18 PRINT ADVERTISEMENT THAT CONTAINS A POLITICAL MESSAGE.

19 SEC. 1003. THERE IS CREATED IN THE DEPARTMENT OF STATE A
20 BIPARTISAN MICHIGAN FAIR CAMPAIGN PRACTICES COMMISSION THAT CON-
21 SISTS OF 4 MEMBERS APPOINTED BY THE GOVERNOR, 2 OF WHOM SHALL BE
22 DEMOCRATS AND 2 OF WHOM SHALL BE REPUBLICANS. THE GOVERNOR SHALL
23 FILL A VACANCY IN THE COMMISSION IN THE SAME MANNER AS ORIGINAL
24 APPOINTMENTS. MEMBERS SHALL SERVE 4-YEAR TERMS AND UNTIL THEIR
25 SUCCESSORS ARE APPOINTED AND QUALIFIED. MEMBERS OF THE COMMIS-
26 SION MAY BE REIMBURSED FOR EXPENSES INCURRED IN THE
27 ADMINISTRATION OF THEIR DUTIES.

1 SEC. 1004. (1) ANNUALLY THE COMMISSION SHALL ELECT FROM ITS
2 MEMBERSHIP A CHAIRPERSON AND ALTERNATE CHAIRPERSON WHO SHALL BE
3 FROM DIFFERENT POLITICAL PARTIES. THE POSITION OF CHAIRPERSON
4 SHALL ALTERNATE BETWEEN THE DEMOCRATIC PARTY AND THE REPUBLICAN
5 PARTY.

6 (2) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
7 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLI-
8 ANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
9 15.275. PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE MEET-
10 ING SHALL BE GIVEN IN THE MANNER REQUIRED BY THE OPEN MEETINGS
11 ACT, 1976 PA 267, MCL 15.261 TO 15.275.

12 (3) THE COMMISSION SHALL MEET NOT LESS THAN 3 TIMES PER
13 YEAR. SPECIAL MEETINGS SHALL BE HELD AT THE CALL OF THE CHAIR-
14 PERSON OR A MAJORITY OF THE MEMBERS OF THE COMMISSION. FOR ITS
15 OWN PROCEDURE, THE COMMISSION SHALL ESTABLISH GUIDELINES IN THE
16 MANNER PRESCRIBED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
17 1969 PA 306, MCL 24.201 TO 24.328. A MAJORITY OF THE COMMISSION
18 CONSTITUTES A QUORUM, BUT A SMALLER NUMBER MAY TRANSACT ROUTINE
19 BUSINESS AND RECEIVE REPORTS FROM THE STAFF. A MAJORITY OF THE
20 MEMBERSHIP SHALL CONCUR IN ANY RECOMMENDATION OF THE COMMISSION.

21 (4) THE CHAIRPERSON OF THE COMMISSION OR A MEMBER DESIGNATED
22 BY THE CHAIRPERSON, UPON MAJORITY VOTE OF THE COMMISSION, MAY
23 ADMINISTER OATHS, SUBPOENA WITNESSES, AND EXAMINE BOOKS AND
24 RECORDS OF A PERSON, PARTNERSHIP, OR CORPORATION INVOLVED IN A
25 MATTER PROPERLY BEFORE THE COMMISSION.

26 (5) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
27 OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL

1 FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH
2 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
3 15.246.

4 SEC. 1005. THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

5 (A) DEVELOP AND IMPLEMENT A VOLUNTARY RATING SYSTEM FOR
6 POLITICAL ADVERTISEMENTS. THE VOLUNTARY RATING SYSTEM SHALL
7 FOCUS ON THE ACCURACY OF POLITICAL ADVERTISEMENTS.

8 (B) ASSIGN AN APPROVED OR DISAPPROVED RATING TO A POLITICAL
9 ADVERTISEMENT SUBMITTED TO THE COMMISSION BY A CANDIDATE OR
10 COMMITTEE.

11 (C) RECEIVE AND HEAR COMPLAINTS FROM CANDIDATES OR COMMIT-
12 TEES ARISING OUT OF THE PUBLICATION, DISTRIBUTION, OR DISSEMINA-
13 TION OF UNRATED POLITICAL ADVERTISEMENTS.

14 (D) PREPARE A REPORT OF THE COMPLAINT AND HEARING DESCRIBED
15 IN SUBDIVISION (C) IN A TIMELY FASHION, BUT NOT LATER THAN 30
16 DAYS AFTER RECEIPT OF THE COMPLAINT.

17 (E) DISTRIBUTE THE REPORT PREPARED UNDER SUBDIVISION (D) TO
18 THE APPROPRIATE COMMITTEES AND THE PUBLIC BEFORE THE ELECTION, IF
19 APPLICABLE.