

HOUSE BILL No. 6206

September 24, 1998, Introduced by Reps. Fitzgerald, Sikkema, Gustafson, Jellema, Birkholz, Gilmer, Richner, Scranton, Byl, Jelinek, LeTarte, Jansen, Sanborn, Rocca, Godchaux, Green, Cassis, Raczkowski and Perricone and referred to the Committee on House Oversight and Ethics.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
(MCL 169.201 to 169.282) by adding section 48.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 48. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
2 A PERSON SHALL NOT MAKE AN EXPENDITURE FOR A COMMUNICATION THAT
3 USES THE NAME OR LIKENESS OF A CANDIDATE IF THE COMMUNICATION IS
4 BROADCAST OR DISTRIBUTED WITHIN 45 CALENDAR DAYS BEFORE THE DATE
5 OF AN ELECTION IN WHICH THE CANDIDATE'S NAME IS ELIGIBLE TO
6 APPEAR ON THE BALLOT.

7 (2) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

8 (A) AN EXPENDITURE FOR COMMUNICATION BY A PERSON WITH THE
9 PERSON'S PAID MEMBERS OR SHAREHOLDERS AND THOSE INDIVIDUALS WHO
10 CAN BE SOLICITED FOR CONTRIBUTIONS TO A SEPARATE SEGREGATED FUND
11 UNDER SECTION 55.

1 (B) AN EXPENDITURE FOR NONPARTISAN VOTER REGISTRATION OR
2 NONPARTISAN GET-OUT-THE-VOTE ACTIVITIES, INCLUDING THE PRODUCTION
3 AND DISTRIBUTION OF VOTER GUIDES, MADE BY AN ORGANIZATION THAT IS
4 EXEMPT FROM FEDERAL INCOME TAX PURSUANT TO SECTION 501(c)(3) OF
5 THE INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 501, OR ANY SUCCES-
6 SOR STATUTE.

7 (C) AN EXPENDITURE FOR A COMMUNICATION BY A QUALIFIED NON-
8 PROFIT CORPORATION.

9 (3) AS USED IN THIS SECTION, "QUALIFIED NONPROFIT
10 CORPORATION" MEANS A CORPORATION THAT MEETS ALL OF THE FOLLOWING
11 REQUIREMENTS:

12 (A) THE CORPORATION'S ONLY EXPRESS PURPOSE IS THE PROMOTION
13 OF POLITICAL IDEAS, INCLUDING ANY OF THE FOLLOWING:

14 (i) ISSUE ADVOCACY.

15 (ii) ELECTION INFLUENCE ACTIVITY.

16 (iii) RESEARCH, TRAINING, OR EDUCATIONAL ACTIVITY THAT IS
17 EXPRESSLY TIED TO THE CORPORATION'S POLITICAL GOALS.

18 (B) THE CORPORATION DOES NOT ENGAGE IN BUSINESS ACTIVITIES.

19 (C) THE CORPORATION DOES NOT HAVE SHAREHOLDERS OR OTHER PER-
20 SONS, OTHER THAN EMPLOYEES AND CREDITORS WHO DO NOT HAVE AN
21 OWNERSHIP INTEREST, AFFILIATED WITH THE CORPORATION IN ANY WAY
22 THAT COULD ALLOW THE SHAREHOLDERS OR OTHER PERSONS TO MAKE A
23 CLAIM ON THE CORPORATION'S ASSETS OR EARNINGS.

24 (D) THE CORPORATION DOES NOT OFFER OR PROVIDE TO ANY PERSON
25 A BENEFIT THAT IS A DISINCENTIVE FOR THE PERSON TO DISASSOCIATE
26 FROM THE CORPORATION ON THE BASIS OF THE CORPORATION'S POSITION

1 ON A POLITICAL ISSUE. A BENEFIT INCLUDES, BUT IS NOT LIMITED TO,
2 THE FOLLOWING:

3 (i) CREDIT CARDS, INSURANCE POLICIES, OR SAVINGS PLANS.

4 (ii) TRAINING, EDUCATION, OR BUSINESS INFORMATION, OTHER
5 THAN WHAT IS NECESSARY TO ENABLE THE RECIPIENT TO ENGAGE IN THE
6 PROMOTION OF THE CORPORATION'S POLITICAL BELIEFS.

7 (E) THE CORPORATION WAS NOT ESTABLISHED BY, OR AFFILIATED
8 WITH, A BUSINESS CORPORATION, JOINT STOCK COMPANY, DOMESTIC
9 DEPENDENT SOVEREIGN, OR LABOR ORGANIZATION. IF THE CORPORATION
10 IS UNABLE, FOR GOOD CAUSE, TO DEMONSTRATE THAT THIS REQUIREMENT
11 IS SATISFIED, THEN THE CORPORATION SHALL HAVE A WRITTEN POLICY
12 AGAINST ACCEPTING DONATIONS FROM BUSINESS CORPORATIONS, JOINT
13 STOCK COMPANIES, DOMESTIC DEPENDENT SOVEREIGNS, OR LABOR
14 ORGANIZATIONS.

15 (F) THE CORPORATION IS REGISTERED UNDER SECTION 501(c)(4) OF
16 THE INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 501.