

SENATE BILL No. 1367

August 9, 2006, Introduced by Senator PATTERSON and referred to the Committee on Government Operations.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 47 (MCL 169.247), as amended by 2001 PA 250.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 47. (1) Except as otherwise provided in this subsection
2 and subject to subsections ~~—(3)—and—~~ (4) **AND (5)**, a billboard,
3 placard, poster, pamphlet, or other printed matter having reference
4 to an election, a candidate, or a ballot question, shall bear upon
5 it the name and address of the person paying for the matter. Except
6 as otherwise provided in this subsection and subject to subsections
7 ~~(3) and~~ (4) **AND (5)**, if the printed matter relating to a candidate
8 is an independent expenditure that is not authorized in writing by
9 the candidate committee of that candidate, the printed matter shall

1 contain the following disclaimer: "Not authorized by any candidate
 2 committee". An individual other than a candidate is not subject to
 3 this subsection if the individual is acting independently and not
 4 acting as an agent for a candidate or any committee.

5 (2) A radio or television paid advertisement having reference
 6 to an election, a candidate, or a ballot question shall identify
 7 the sponsoring person as required by the federal communications
 8 commission, ~~shall~~ bear the name of the person paying for the
 9 advertisement, and ~~shall be in compliance~~ **COMPLY** with subsection
 10 (3) and with the following:

11 (a) If the radio or television paid advertisement relates to a
 12 candidate and is an independent expenditure, the advertisement
 13 shall contain the following disclaimer: "Not authorized by any
 14 candidate".

15 (b) If the radio or television paid advertisement relates to a
 16 candidate and is not an independent expenditure but is paid for by
 17 a person other than the candidate to ~~which it is related~~ **WHOM IT**
 18 **RELATES**, the advertisement shall contain the following disclaimer:
 19 "Authorized by.....".

20 (name of candidate or name of candidate committee)

21 (3) **SUBJECT TO SUBSECTIONS (4) AND (5), A COMMUNICATION ON A**
 22 **WEBSITE THAT IS IN SUPPORT OF OR OPPOSITION TO THE ELECTION OF A**
 23 **CANDIDATE SHALL IDENTIFY BY NAME THE PERSON PAYING FOR THE**
 24 **COMMUNICATION OR, IF THE PERSON MAKING THE COMMUNICATION MAINTAINS**
 25 **THE WEBSITE, PAYING FOR THE WEBSITE AND SHALL STATE 1 OF THE**
 26 **FOLLOWING, AS APPLICABLE:**

27 (A) **IF THE PAYMENT IS AN INDEPENDENT EXPENDITURE, THE**

1 FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY CANDIDATE.".

2 (B) IF THE PAYMENT IS NOT AN INDEPENDENT EXPENDITURE AND IS
3 MADE BY A PERSON OTHER THAN A CANDIDATE COMMITTEE, THE
4 COMMUNICATION SHALL CONTAIN THE FOLLOWING DISCLAIMER:

5 "AUTHORIZED BY.....".

6 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

7 (4) ~~—(3)—~~ The size and placement of an identification or
8 disclaimer required by this section shall be determined by rules
9 promulgated by the secretary of state. The rules may exempt printed
10 matter and certain other items such as campaign buttons or
11 balloons, the size of which makes it unreasonable to add an
12 identification or disclaimer, from the identification or disclaimer
13 required by this section.

14 (5) ~~—(4)—~~ Except for a candidate committee's printed matter,
15 ~~or~~ radio or television paid advertisements, **OR WEBSITE**
16 **COMMUNICATION**, each identification or disclaimer required by this
17 section shall also indicate that the printed matter, ~~or~~ radio or
18 television paid advertisement, **OR WEBSITE COMMUNICATION** is paid for
19 "with regulated funds". Printed matter, ~~or~~ a radio or television
20 paid advertisement, **OR A WEBSITE COMMUNICATION** that is not subject
21 to this act shall not bear the statement required by this
22 subsection.

23 (6) ~~—(5)—~~ A person who knowingly violates this section is
24 guilty of a misdemeanor punishable by a fine of not more than
25 \$1,000.00, or imprisonment for not more than 93 days, or both.