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BILL ANALYSIS

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Senate Bill 3 (as introduced 1-10-07)
Sponsor: Senator Bill Hardiman
Committee: Campaign and Election Oversight

Date Completed: 3-21-07

CONTENT

The bill would amend the Michigan Campaign Finance Act to require the Public Service Commission to establish or designate a do-not-call list concerning automated telephonic communications; and prohibit political solicitors from making an automated call to someone whose name was on the list.

Specifically, within 90 days after the bill's effective date, the Public Service Commission (PSC) would be required either to establish a State do-not-call list concerning automated telephonic communications, or to investigate any existing national do-not-call lists and, after considering each list's accessibility to political solicitors, ease and cost of registration for individuals seeking inclusion, and the list transfer policies of the list keeper, designate a list as the authorized do-not-call list. In determining whether to establish or designate a do-not-call list, the PSC would be required to consider comments from individuals, political solicitors, or any other person. If the Commission established a State do-not-call list, it would have to publish that list quarterly for use by political solicitors.

The PSC could review and make a different designation at any time if it determined that an alternative do-not-call list provided superior accessibility to political solicitors and ease and cost of registration for individuals seeking inclusion or if the organization maintaining a previously designated do-not-call list engaged in activities the PSC considered contrary to the public interest.

The Commission could, at any time, cease to maintain a State list and make a designation, or discontinue an authorized list's designation and establish and maintain a State list.

Beginning 90 days after the PSC established or designated a do-not call list, a political solicitor could not make or cause to be made an automated telephonic communication from within the State to an individual whose name was on the then-current version of the do-not-call list. A political solicitor also could not use a do-not-call list for any purpose other than meeting these requirements. Neither the PSC nor a political solicitor could sell or transfer a do-not-call list to any person for any purpose unrelated to the bill. (In the case of the PSC, this would apply to a list established and maintained by the Commission.)

Under the bill, "automated telephonic communication" would mean any outbound telephone call that plays a recorded message to promote, advertise, or campaign for or against a political candidate or a political issue. "Political solicitor" would mean a person who makes or causes to be made an automated telephonic communication.

MCL 169.202 et al.

Legislative Analyst: Craig Laurie

FISCAL IMPACT

The bill would increase the costs of operating the Public Service Commission in the Department of Labor and Economic Growth by an unknown amount. The bill does not provide any funding for the PSC to designate or establish a do-not-call list for automated political candidate or issue telephone calls. Any additional costs would have to be absorbed within existing resources.

Fiscal Analyst: Elizabeth Pratt
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.