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Senate Bill 284 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Senator Randy Richardville  
Committee: Campaign and Election Oversight

### **CONTENT**

The bill would amend the Michigan Campaign Finance Act to require certain identifying statements and disclosures in an automated telephonic communication with an elector having reference to a candidate or a ballot question, and to prescribe a misdemeanor penalty for a knowing violation.

Specifically, an automated telephonic communication with an elector having reference to a candidate or a ballot question and that was an expenditure or contribution under the Act would have to state clearly the identity of the person paying for the communication and, except for the communication of a candidate committee or ballot committee, indicate that the communication was paid for "with regulated funds". If the communication were an independent expenditure not authorized by a candidate's candidate committee, it would have to state: "Not authorized by a candidate committee". If the communication were not an independent expenditure, but were paid for by a person other than the candidate to whom it related, the communication would have to state: "Authorized by [name of candidate or name of candidate committee]". If the communication were an independent expenditure not authorized by a ballot committee, it would have to state: "Not authorized by [name of ballot committee]".

A person who knowingly violated the bill would be guilty of a misdemeanor punishable by imprisonment for up to 93 days and/or a maximum fine of \$1,000. The violator also would be liable for a civil fine of up to \$10,000 or the amount paid for the communication, whichever was greater. Each day that a violation occurred would constitute a separate violation.

MCL 196.248

Legislative Analyst: Craig Laurie

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of the proposed offense. To the extent that the bill resulted in increased convictions or incarceration time, local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 4-18-07

Fiscal Analyst: Lindsay Hollander

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Analysis available @ <http://www.michiganlegislature.org>

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.