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## BILL ANALYSIS

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Senate Bill 285 (as introduced 2-27-07)  
Sponsor: Senator Michelle A. McManus  
Committee: Campaign and Election Oversight

Date Completed: 2-28-07

**CONTENT**

**The bill would amend the Michigan Campaign Finance Act to do the following:**

- Require a website communication for a candidate to identify the person paying for it and indicate whether the payment was authorized by a candidate or candidate committee.**
- Revise the disclaimer that must appear on a paid radio or television ad that relates to a candidate and is not an independent expenditure.**
- Include satellite ads in identifying statement and disclaimer requirements that apply to paid ads relating to an election, candidate, or ballot question.**
- Include satellite ads and website communications in a requirement that an advertisement state that it is paid for with regulated funds.**

Under Section 47 of the Act, a radio or TV paid advertisement relating to an election, a candidate, or a ballot question must identify the sponsoring person as required by the Federal Communications Commission and bear the name of the person paying for the ad. If the ad relates to a candidate and is an independent expenditure, it must contain the following: "Not authorized by any candidate". If the ad relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate, it must state: "Authorized by [name of candidate or name of candidate committee]". Under the bill, this ad would have to state, instead: "I am [name of candidate] and I approve this message."

The bill also would include a satellite ad in these requirements.

(The Act defines "independent expenditure" as an expenditure by a person if the expenditure is not made at the direction, or under the control, of another person and if the expenditure is not a contribution to a committee.)

Under the bill, a communication on a website relating to an election of a candidate would have to identify the name of the person paying for the communication or, if the person making the communication maintained the website, the name of the person paying for the website. The communication also would have to state one of the following disclaimers, as applicable:

- If the payment were an independent expenditure: "Not authorized by any candidate."
- If the payment were not an independent expenditure and were made by a person other than a candidate committee: "Authorized by [name of candidate or name of candidate committee]."

A person who knowingly violates Section 47 is guilty of a misdemeanor punishable by a maximum fine of \$1,000 and/or imprisonment for up to 93 days. The bill's requirements for website communications would be subject to this provision.

Currently, except for a candidate committee's printed matter, or radio or TV paid ads, each identification or disclaimer required by Section 47 must indicate that the printed matter or ad is paid for with "regulated funds". Printed matter or an ad that is not subject to the Act may not bear this statement. Under the bill, these provisions would apply to a satellite ad and website communication, as well as printed matter and radio and TV ads.

MCL 169.247

Legislative Analyst: Suzanne Lowe

### **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 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.

Fiscal Analyst: Lindsay Hollander

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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.