

SUBSTITUTE FOR
SENATE BILL NO. 284
(As amended, April 18, 2007)

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 FOR A COMMUNICATION NOT SUBJECT TO THIS
2 ACT, AN AUTOMATED TELEPHONIC COMMUNICATION WITH AN ELECTOR HAVING
3 REFERENCE TO A CANDIDATE AND THAT IS AN EXPENDITURE OR CONTRIBUTION
4 UNDER THIS ACT SHALL CLEARLY STATE THE IDENTITY OF THE PERSON
5 PAYING FOR THE COMMUNICATION AND SHALL, EXCEPT FOR A CANDIDATE
6 COMMITTEE'S COMMUNICATION, INDICATE THAT THE COMMUNICATION IS PAID
7 FOR "WITH REGULATED FUNDS". IF THE COMMUNICATION DESCRIBED IN THIS
8 SUBSECTION IS AN INDEPENDENT EXPENDITURE NOT AUTHORIZED << >>
9 BY A CANDIDATE'S CANDIDATE COMMITTEE, THE COMMUNICATION SHALL

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1 CLEARLY STATE THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY A
2 CANDIDATE COMMITTEE". IF THE COMMUNICATION DESCRIBED IN THIS
3 SUBSECTION IS NOT AN INDEPENDENT EXPENDITURE, BUT IS PAID FOR BY A
4 PERSON OTHER THAN THE CANDIDATE TO WHOM IT IS RELATED, THE
5 COMMUNICATION SHALL CLEARLY STATE THE FOLLOWING DISCLAIMER:
6 "AUTHORIZED BY (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)".
7 AN INDIVIDUAL OTHER THAN A CANDIDATE IS NOT SUBJECT TO THIS
8 SUBSECTION IF THE INDIVIDUAL IS ACTING INDEPENDENTLY AND NOT ACTING
9 AS AN AGENT FOR A CANDIDATE OR ANY COMMITTEE.

10 (2) EXCEPT FOR A COMMUNICATION NOT SUBJECT TO THIS ACT, AN
11 AUTOMATED TELEPHONIC COMMUNICATION WITH AN ELECTOR HAVING REFERENCE
12 TO A BALLOT QUESTION AND THAT IS AN EXPENDITURE OR CONTRIBUTION
13 UNDER THIS ACT SHALL CLEARLY STATE THE IDENTITY OF THE PERSON
14 PAYING FOR THE COMMUNICATION AND SHALL, EXCEPT FOR A BALLOT
15 COMMITTEE'S COMMUNICATION, INDICATE THAT THE COMMUNICATION IS PAID
16 FOR "WITH REGULATED FUNDS". IF THE COMMUNICATION DESCRIBED IN THIS
17 SUBSECTION IS AN INDEPENDENT EXPENDITURE NOT AUTHORIZED << >>
18 BY A BALLOT COMMITTEE, THE COMMUNICATION SHALL CLEARLY STATE THE
19 FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY THE BALLOT COMMITTEE". IF
20 THE COMMUNICATION DESCRIBED IN THIS SUBSECTION IS NOT AN
21 INDEPENDENT EXPENDITURE, BUT IS PAID FOR BY A PERSON OTHER THAN THE
22 BALLOT COMMITTEE TO WHICH IT IS RELATED, THE COMMUNICATION SHALL
23 CLEARLY STATE THE FOLLOWING DISCLAIMER: "AUTHORIZED BY (NAME OF
24 BALLOT COMMITTEE)". AN INDIVIDUAL IS NOT SUBJECT TO THIS SUBSECTION
25 IF THE INDIVIDUAL IS ACTING INDEPENDENTLY AND NOT ACTING AS AN
26 AGENT FOR THE BALLOT COMMITTEE OR ANY COMMITTEE.

27 (3) ONLY AUTOMATED TELEPHONIC COMMUNICATIONS THAT ARE SUBJECT

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1 TO THIS ACT SHALL BEAR THE "WITH REGULATED FUNDS" STATEMENT
2 REQUIRED BY THIS SECTION. ANY PERSON WHO USES THE "WITH REGULATED
3 FUNDS" STATEMENT REQUIRED BY THIS SECTION WITH RESPECT TO AUTOMATED
4 TELEPHONIC COMMUNICATIONS THAT ARE NOT SUBJECT TO THIS ACT VIOLATES
5 THIS ACT.

6 (4) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF
7 A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS
8 OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

9 (5) IN ADDITION TO ANY OTHER ACTION PROVIDED FOR IN THIS
10 SECTION, A PERSON WHO <<KNOWINGLY>> VIOLATES THIS SECTION IS LIABLE FOR A
CIVIL
11 FINE OF NOT MORE THAN \$10,000.00 OR THE AMOUNT PAID FOR THE
12 COMMUNICATION, WHICHEVER IS GREATER.

13 (6) EACH DAY THAT A VIOLATION OF THIS SECTION OCCURS
14 CONSTITUTES A SEPARATE VIOLATION.