

SUBSTITUTE FOR
SENATE BILL NO. 285

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),~~ **EXCEPT FOR PRINTED MATTER**
3 **NOT SUBJECT TO THIS ACT,** a billboard, placard, poster, pamphlet,
4 or other printed matter ~~having reference to an election, a~~
5 ~~candidate, or a ballot question,~~ **THAT IS AN EXPENDITURE OR**
6 **CONTRIBUTION UNDER THIS ACT** shall bear upon it the name and
7 address of the person paying for the matter **AND SHALL, EXCEPT FOR**

1 A CANDIDATE COMMITTEE'S PRINTED MATTER, INDICATE THAT THE PRINTED
 2 MATTER IS PAID FOR "WITH REGULATED FUNDS". ~~Except as otherwise~~
 3 ~~provided in this subsection and subject to subsections (3) and~~
 4 ~~(4), if~~ IF the printed matter relating to a candidate is an
 5 independent expenditure that is not authorized ~~in writing~~ by the
 6 candidate committee of that candidate, the printed matter shall
 7 contain the following disclaimer: "Not authorized by any
 8 candidate committee". An individual other than a candidate is not
 9 subject to this subsection if the individual is acting
 10 independently and not acting as an agent for a candidate or any
 11 committee.

12 (2) A ~~EXCEPT FOR ADVERTISEMENTS NOT SUBJECT TO THIS ACT, A~~
 13 radio, INCLUDING SATELLITE RADIO, or television paid
 14 advertisement ~~having reference to an election, a candidate, or a~~
 15 ~~ballot question~~ THAT IS AN EXPENDITURE OR CONTRIBUTION UNDER THIS
 16 ACT shall identify the sponsoring person as required by the
 17 federal communications commission, ~~shall~~ bear the name of the
 18 person paying for the advertisement, ~~and shall be in compliance~~
 19 COMPLY with subsection ~~(3)~~ (5), and, ~~with the following~~: EXCEPT
 20 FOR A CANDIDATE COMMITTEE'S ADVERTISEMENTS, INDICATE THAT THE
 21 ADVERTISEMENT IS PAID FOR "WITH REGULATED FUNDS".

22 ~~——(a)~~ If the radio, INCLUDING SATELLITE RADIO, or television
 23 paid advertisement relates to a candidate and is an independent
 24 expenditure, the advertisement shall contain the following
 25 disclaimer: "Not authorized by any candidate".

26 ~~——(b)~~ If the radio, INCLUDING SATELLITE RADIO, or television
 27 paid advertisement relates to a candidate and is not an

1 independent expenditure but is paid for by a person other than
 2 the candidate to which it is related, the advertisement shall
 3 contain the following disclaimer:

4 "Authorized by".
 5 (name of candidate or name of candidate committee)

6 AN INDIVIDUAL OTHER THAN A CANDIDATE IS NOT SUBJECT TO THIS
 7 SUBSECTION IF THE INDIVIDUAL IS ACTING INDEPENDENTLY AND NOT
 8 ACTING AS AN AGENT FOR A CANDIDATE OR ANY COMMITTEE.

9 (3) EXCEPT FOR WEBSITE ADVERTISEMENTS NOT SUBJECT TO THIS
 10 ACT, A PAID ADVERTISEMENT ON A WEBSITE HAVING REFERENCE TO A
 11 CANDIDATE AND THAT IS AN EXPENDITURE OR CONTRIBUTION UNDER THIS
 12 ACT SHALL IDENTIFY BY NAME THE PERSON PAYING FOR THE
 13 ADVERTISEMENT OR, IF THE PERSON MAKING THE ADVERTISEMENT
 14 MAINTAINS THE WEBSITE, PAYING FOR THE WEBSITE AND SHALL, EXCEPT
 15 FOR A CANDIDATE COMMITTEE'S WEBSITE ADVERTISEMENT, INDICATE THAT
 16 THE ADVERTISEMENT IS PAID FOR "WITH REGULATED FUNDS". IF THE
 17 PAYMENT IS AN INDEPENDENT EXPENDITURE, THE ADVERTISEMENT SHALL
 18 CONTAIN THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY
 19 CANDIDATE.". IF THE PAYMENT IS NOT AN INDEPENDENT EXPENDITURE AND
 20 IS MADE BY A PERSON OTHER THAN A CANDIDATE COMMITTEE, THE
 21 ADVERTISEMENT SHALL CONTAIN THE FOLLOWING DISCLAIMER:

22 "AUTHORIZED BY.....".
 23 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

24 AN INDIVIDUAL OTHER THAN A CANDIDATE IS NOT SUBJECT TO THIS
 25 SUBSECTION IF THE INDIVIDUAL IS ACTING INDEPENDENTLY AND NOT

1 ACTING AS AN AGENT FOR A CANDIDATE OR ANY COMMITTEE.

2 (4) EXCEPT FOR WEBSITE ADVERTISEMENTS NOT SUBJECT TO THIS
 3 ACT, A PAID ADVERTISEMENT ON A WEBSITE HAVING REFERENCE TO A
 4 BALLOT QUESTION AND THAT IS AN EXPENDITURE OR CONTRIBUTION UNDER
 5 THIS ACT SHALL IDENTIFY BY NAME THE PERSON PAYING FOR THE
 6 ADVERTISEMENT OR, IF THE PERSON MAKING THE ADVERTISEMENT
 7 MAINTAINS THE WEBSITE, PAYING FOR THE WEBSITE AND SHALL, EXCEPT
 8 FOR A BALLOT COMMITTEE'S WEBSITE ADVERTISEMENT, INDICATE THAT THE
 9 ADVERTISEMENT IS PAID FOR "WITH REGULATED FUNDS". IF THE PAYMENT
 10 IS AN INDEPENDENT EXPENDITURE, THE ADVERTISEMENT SHALL CONTAIN
 11 THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY BALLOT
 12 COMMITTEE". IF THE PAYMENT IS NOT AN INDEPENDENT EXPENDITURE AND
 13 IS MADE BY A PERSON OTHER THAN A BALLOT COMMITTEE, THE
 14 ADVERTISEMENT SHALL CONTAIN THE FOLLOWING DISCLAIMER:

15 "AUTHORIZED BY.....".
 16 (NAME OF THE BALLOT COMMITTEE)

17 AN INDIVIDUAL IS NOT SUBJECT TO THIS SUBSECTION IF THE INDIVIDUAL
 18 IS ACTING INDEPENDENTLY AND NOT ACTING AS AN AGENT FOR A BALLOT
 19 COMMITTEE OR ANY COMMITTEE.

20 (5) ~~(3)~~—The size and placement of an identification or
 21 disclaimer required by this section shall be determined by rules
 22 promulgated by the secretary of state. The rules may exempt
 23 printed matter and certain other items such as campaign buttons
 24 or balloons, the size of which makes it unreasonable to add an
 25 identification or disclaimer, from the identification or
 26 disclaimer required by this section.

~~1 (4) Except for a candidate committee's printed matter or~~
~~2 radio or television paid advertisements, each identification or~~
~~3 disclaimer required by this section shall also indicate that the~~
~~4 printed matter or radio or television paid advertisement is paid~~
~~5 for "with regulated funds". Printed matter or a radio or~~
~~6 television paid advertisement that is not subject to this act~~
~~7 shall not bear the statement required by this subsection.~~

8 (6) ONLY PRINTED MATTER OR ADVERTISEMENTS THAT ARE SUBJECT
9 TO THIS ACT SHALL BEAR THE "WITH REGULATED FUNDS" STATEMENT
10 REQUIRED BY THIS SECTION. ANY PERSON WHO USES THE "WITH REGULATED
11 FUNDS" STATEMENT REQUIRED BY THIS SECTION WITH RESPECT TO PRINTED
12 MATTER OR ADVERTISEMENTS THAT ARE NOT SUBJECT TO THIS ACT
13 VIOLATES THIS ACT.

14 (7) ~~(5)~~ A person RESPONSIBLE FOR THE CONTENT OF THE PRINTED
15 MATTER, RADIO, INCLUDING SATELLITE RADIO, OR TELEVISION PAID
16 ADVERTISEMENT who knowingly violates this section is guilty of a
17 misdemeanor punishable by a fine of not more than \$1,000.00, or
18 imprisonment for not more than 93 days, or both.