

SENATE BILL No. 285

February 27, 2007, Introduced by Senators McMANUS, CASSIS, CROPSEY, PAPPAGEORGE, GEORGE, RICHARDVILLE, KAHN, JANSEN, ALLEN, HARDIMAN, STAMAS and VAN WOERKOM and referred to the Committee on Campaign and Election Oversight.

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)~~ **AND (5)**, a billboard,
3 placard, poster, pamphlet, or other printed matter ~~having~~
4 ~~reference~~ **RELATING** to an election, a candidate, or a ballot
5 question, shall bear upon it the name and address of the person
6 paying for the matter. Except as otherwise provided in this
7 subsection and subject to subsections ~~(3) and (4)~~ **AND (5)**, if the
8 printed matter relating to a candidate is an independent
9 expenditure that is not authorized in writing by the candidate
10 committee of that candidate, the printed matter shall contain the

following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee.

(2) A radio, **SATELLITE**, or television paid advertisement ~~having reference~~ **RELATING** to an election, a candidate, or a ballot question shall identify the sponsoring person as required by the federal communications commission, ~~shall bear the name of~~ the person paying for the advertisement, and ~~shall be in~~ **COMPLY** with subsection ~~(3)~~ **(4)** and with the following:

(a) If the radio, **SATELLITE**, or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate".

(b) If the radio, **SATELLITE**, or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to ~~which it is related~~ **WHOM IT RELATES**, the advertisement shall contain the following disclaimer:

~~"Authorized by".
(name of candidate or name of candidate committee)~~

"I AM _____ AND I APPROVE THIS MESSAGE."
(NAME OF CANDIDATE)

(3) SUBJECT TO SUBSECTIONS (4) AND (5), A COMMUNICATION ON A WEBSITE RELATING TO AN ELECTION OF A CANDIDATE SHALL IDENTIFY BY NAME THE PERSON PAYING FOR THE COMMUNICATION OR, IF THE PERSON

1 MAKING THE COMMUNICATION MAINTAINS THE WEBSITE, PAYING FOR THE
2 WEBSITE AND SHALL STATE 1 OF THE FOLLOWING, AS APPLICABLE:

3 (A) IF THE PAYMENT IS AN INDEPENDENT EXPENDITURE, THE
4 FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY CANDIDATE."

5 (B) IF THE PAYMENT IS NOT AN INDEPENDENT EXPENDITURE AND IS
6 MADE BY A PERSON OTHER THAN A CANDIDATE COMMITTEE, THE
7 COMMUNICATION SHALL CONTAIN THE FOLLOWING DISCLAIMER:

8 "AUTHORIZED BY.....".
9 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

10 (4) ~~(3)~~—The size and placement of an identification or
11 disclaimer required by this section shall be determined by rules
12 promulgated by the secretary of state. The rules may exempt
13 printed matter and certain other items such as campaign buttons
14 or balloons, the size of which makes it unreasonable to add an
15 identification or disclaimer, from the identification or
16 disclaimer required by this section.

17 (5) ~~(4)~~—Except for a candidate committee's printed matter,
18 ~~or~~ radio, **SATELLITE**, or television paid advertisements, **OR**
19 **WEBSITE COMMUNICATION**, each identification or disclaimer required
20 by this section shall also indicate that the printed matter, ~~or~~
21 radio, **SATELLITE**, or television paid advertisement, **OR WEBSITE**
22 **COMMUNICATION** is paid for "with regulated funds". Printed matter,
23 ~~or~~ a radio, **SATELLITE**, or television paid advertisement, **OR A**
24 **WEBSITE COMMUNICATION** that is not subject to this act shall not
25 bear the statement required by this subsection.

26 (6) ~~(5)~~—A person who knowingly violates this section is

- 1 guilty of a misdemeanor punishable by a fine of not more than
- 2 \$1,000.00, or imprisonment for not more than 93 days, or both.