

SUBSTITUTE FOR  
HOUSE BILL NO. 4985

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) A COMMUNICATION ADVOCATING THE ELECTION OR  
2        DEFEAT OF A CANDIDATE THAT IS DESIGNED TO CONTACT ELECTORS  
3        THROUGH AUTOMATED TELEPHONIC, ELECTRONIC MAIL, OR OTHER  
4        ELECTRONIC MEANS AND TO WHICH SECTION 47 DOES NOT APPLY SHALL  
5        CLEARLY STATE THE NAME AND THE ADDRESS OR TELEPHONE NUMBER OF THE  
6        PERSON PAYING FOR THE COMMUNICATION.  
7        (2) IF THE COMMUNICATION DESCRIBED IN SUBSECTION (1)  
8        ADVOCATES THE ELECTION OR DEFEAT OF A CANDIDATE AND IS AN  
9        INDEPENDENT EXPENDITURE NOT AUTHORIZED IN WRITING BY THAT  
10       CANDIDATE'S CANDIDATE COMMITTEE, THE COMMUNICATION SHALL ALSO

1 CLEARLY STATE THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY  
 2 CANDIDATE COMMITTEE.". IF THE COMMUNICATION DESCRIBED IN  
 3 SUBSECTION (1) ADVOCATES THE ELECTION OR DEFEAT OF A CANDIDATE  
 4 AND IS NOT AN INDEPENDENT EXPENDITURE, BUT IS PAID FOR BY A  
 5 PERSON OTHER THAN THE CANDIDATE WHOM IT ADVOCATES THE ELECTION OR  
 6 DEFEAT OF, THE COMMUNICATION SHALL ALSO CLEARLY STATE THE  
 7 FOLLOWING DISCLAIMER:

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

10 (3) A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION (1)  
 11 SHALL STATE THE NAME AND THE ADDRESS OR TELEPHONE NUMBER OF THE  
 12 PERSON PAYING FOR THE COMMUNICATION AND ANY DISCLAIMERS REQUIRED  
 13 UNDER SUBSECTION (2) AT THE BEGINNING OF THE TELEPHONIC  
 14 COMMUNICATION. A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION  
 15 (1) SHALL NOT TAKE PLACE BETWEEN THE HOURS OF 8 P.M. AND 9 A.M.  
 16 IN THE TIME ZONE WITHIN WHICH THE RECIPIENT OF THE TELEPHONIC  
 17 COMMUNICATION IS LOCATED.

18 (4) FOR A VISUAL COMMUNICATION GOVERNED BY THIS SECTION, THE  
 19 DIRECTOR OF ELECTIONS SHALL PROMULGATE RULES REGULATING THE SIZE  
 20 AND PLACEMENT OF AN IDENTIFICATION OR DISCLAIMER REQUIRED BY THIS  
 21 SECTION.

22 (5) THE SECRETARY OF STATE SHALL FURNISH TO CANDIDATES AND  
 23 POST ON ITS INTERNET WEBSITE INFORMATION REGARDING THE  
 24 PROHIBITIONS IN THIS SECTION.

25 (6) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY  
 26 OF A CRIME AS FOLLOWS:

1           (A) FOR THE FIRST VIOLATION, THE PERSON IS GUILTY OF A  
2 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS  
3 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

4           (B) FOR THE SECOND VIOLATION, THE PERSON IS GUILTY OF A  
5 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS  
6 OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

7           (C) FOR THE THIRD OR SUBSEQUENT VIOLATION, THE PERSON IS  
8 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
9 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.