

HOUSE BILL No. 4985

May 21, 2009, Introduced by Reps. Lisa Brown, Lipton, Scripps and Angerer and referred to the Committee on Ethics and Elections.

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 OF THE PERSON PAYING FOR THE
6 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 OF THE PERSON PAYING FOR THE COMMUNICATION
12 AND ANY DISCLAIMERS REQUIRED UNDER SUBSECTION (2) AT THE
13 BEGINNING OF THE TELEPHONIC COMMUNICATION. A TELEPHONIC
14 COMMUNICATION DESCRIBED IN SUBSECTION (1) SHALL NOT TAKE PLACE
15 BETWEEN THE HOURS OF 8 P.M. AND 9 A.M.

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

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

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

25 (A) FOR THE FIRST VIOLATION, THE PERSON IS GUILTY OF A
26 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS

1 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

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

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