

# HOUSE BILL No. 5663

May 17, 2016, Introduced by Reps. Glenn, Chatfield, Webber, Iden, Hooker, Aaron Miller, Outman, Goike, Graves and Barrett and referred to the Committee on Elections.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 2, 5, and 11 (MCL 169.202, 169.205, and 169.211), section 2 as amended by 2001 PA 250, section 5 as amended by 1999 PA 237, and section 11 as amended by 2012 PA 273, and by adding section 48.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2. (1) "AUTOMATED TELEPHONIC COMMUNICATION" MEANS ANY  
2           OUTBOUND TELEPHONE CALL THAT PLAYS A RECORDED MESSAGE TO PROMOTE,  
3           ADVERTISE, OR CAMPAIGN FOR OR AGAINST A POLITICAL CANDIDATE OR  
4           BALLOT QUESTION.

5           (2) ~~(1)~~"Award" means a plaque, trophy, certificate, bust,  
6           ceremonial gavel, or memento.

7           (3) ~~(2)~~"Ballot question" means a question that is submitted  
8           or is intended to be submitted to a popular vote at an election

1 whether or not it qualifies for the ballot.

2 (4) ~~(3)~~—"Ballot question committee" means a committee acting  
3 in support of, or in opposition to, the qualification, passage, or  
4 defeat of a ballot question but that does not receive contributions  
5 or make expenditures or contributions for the purpose of  
6 influencing or attempting to influence the action of the voters for  
7 or against the nomination or election of a candidate.

8 (5) ~~(4)~~—"Bundle" means for a bundling committee to deliver 1  
9 or more contributions from individuals to the candidate committee  
10 of a candidate for statewide elective office, without the money  
11 becoming money of the bundling committee.

12 (6) ~~(5)~~—"Bundling committee" means an independent committee or  
13 political committee that makes an expenditure to solicit or collect  
14 from individuals contributions that are to be part of a bundled  
15 contribution, which expenditure is required to be reported as an  
16 in-kind expenditure for a candidate for statewide elective office.

17 (7) ~~(6)~~—"Business" means a corporation, limited liability  
18 company, partnership, sole proprietorship, firm, enterprise,  
19 franchise, association, organization, self-employed individual,  
20 holding company, joint stock company, receivership, trust,  
21 activity, or entity that is organized for profit or nonprofit  
22 purposes.

23 Sec. 5. (1) "Domestic dependent sovereign" means an Indian  
24 tribe that has been acknowledged, recognized, restored, or  
25 reaffirmed as an Indian tribe by the ~~secretary~~ **SECRETARY** of the  
26 ~~interior~~ **INTERIOR** pursuant to ~~chapter 576, 48 Stat. 984, 25 U.S.C.~~  
27 **USC 461 to 463, 464 to 465, 466 to 470, 471 to 472, 473, 474 to**

1 475, ~~476 to 478,~~ and ~~479,~~ commonly referred to as the Indian  
2 reorganization act, or has otherwise been acknowledged by the  
3 United States government as an Indian tribe.

4 (2) "DO-NOT-CALL LIST" MEANS THE FEDERAL DO-NOT-CALL REGISTRY  
5 ESTABLISHED BY THE FEDERAL TRADE COMMISSION.

6 (3) ~~(2)~~—"Election" means a primary, general, special, or  
7 millage election held in this state or a convention or caucus of a  
8 political party held in this state to nominate a candidate.  
9 Election includes a recall vote.

10 (4) ~~(3)~~—"Election cycle" means 1 of the following:

11 (a) For a general election, the period beginning the day  
12 following the last general election in which the office appeared on  
13 the ballot and ending on the day of the general election in which  
14 the office next appears on the ballot.

15 (b) For a special election, the period beginning the day a  
16 special general election is called or the date the office becomes  
17 vacant, whichever is earlier, and ending on the day of the special  
18 general election.

19 (5) ~~(4)~~—"Elective office" means a public office filled by an  
20 election. A person who is appointed to fill a vacancy in a public  
21 office that is ordinarily elective holds an elective office.  
22 Elective office does not include the office of precinct delegate.  
23 Except for the purposes of sections 47, 54, and 55, elective office  
24 does not include a school board member in a school district that  
25 has a pupil membership of 2,400 or less enrolled on the most recent  
26 pupil membership count day. However, elective office includes a  
27 school board member in a school district that has a pupil

1 membership of 2,400 or less, if a candidate committee of a  
2 candidate for the office of school board member in that school  
3 district receives an amount in excess of \$1,000.00 or expends an  
4 amount in excess of \$1,000.00. Elective office does not include a  
5 federal office except for the purposes of section 57.

6       Sec. 11. (1) "Payroll deduction plan" means any system in  
7 which an employer deducts any amount of money from the wages,  
8 earnings, or compensation of an employee.

9       (2) "Person" means a business, individual, proprietorship,  
10 firm, partnership, joint venture, syndicate, business trust, labor  
11 organization, company, corporation, association, committee, or any  
12 other organization or group of persons acting jointly.

13       (3) "Political committee" means a committee that is not a  
14 candidate committee, political party committee, independent  
15 committee, or ballot question committee.

16       (4) "Political merchandise" means goods such as bumper  
17 stickers, pins, hats, beverages, literature, or other items sold by  
18 a person at a fund-raiser or to the general public for publicity or  
19 for the purpose of raising funds to be used in supporting or  
20 opposing a candidate for nomination for or election to an elective  
21 office, in supporting or opposing the qualification, passage, or  
22 defeat of a ballot question, or in supporting or opposing the  
23 qualification of a new political party.

24       (5) "Political party" means a political party that has a right  
25 under law to have the names of its candidates listed on the ballot  
26 in a general election.

27       (6) "Political party committee" means a state central,

1 district, or county committee of a political party or a party  
2 attempting to qualify as a new political party under section 685 of  
3 the Michigan election law, 1954 PA 116, MCL 168.685, that is a  
4 committee. Each state central committee shall designate the  
5 official party county and district committees. There shall not be  
6 more than 1 officially designated political party committee per  
7 county and per congressional district.

8 **(7) "POLITICAL SOLICITOR" MEANS AN INDIVIDUAL, CANDIDATE, OR**  
9 **COMMITTEE THAT MAKES OR CAUSES TO BE MADE AN AUTOMATED TELEPHONIC**  
10 **COMMUNICATION.**

11 **(8) ~~(7)~~"Public body"** means 1 or more of the following:

12 (a) A state agency, department, division, bureau, board,  
13 commission, council, authority, or other body in the executive  
14 branch of state government.

15 (b) The legislature or an agency, board, commission, or  
16 council in the legislative branch of state government.

17 (c) A county, city, township, village, intercounty, intercity,  
18 or regional governing body; a council, school district, special  
19 district, or municipal corporation; or a board, department,  
20 commission, or council or an agency of a board, department,  
21 commission, or council.

22 (d) Any other body that is created by state or local authority  
23 or is primarily funded by or through state or local authority, if  
24 the body exercises governmental or proprietary authority or  
25 performs a governmental or proprietary function.

26 **SEC. 48. WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE**  
27 **AMENDATORY ACT THAT ADDED THIS SECTION, A POLITICAL SOLICITOR SHALL**

1 NOT MAKE OR CAUSE TO BE MADE AN AUTOMATED TELEPHONIC COMMUNICATION  
2 FROM WITHIN THIS STATE TO AN INDIVIDUAL WHOSE NAME IS ON THE THEN-  
3 CURRENT VERSION OF THE DO-NOT-CALL LIST.