



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 305 (as introduced 3-24-21)
Sponsor: Senator Dale W. Zorn
Committee: Elections

Date Completed: 4-28-21

CONTENT

The bill would amend the Michigan Election Law to do the following:

- **Prohibit the name or likeness of an elected or appointed official from appearing on or being used in any communication that was paid for with public money and involved election-related activity.**
- **Prescribe penalties for violation of the bill and penalties for second or subsequent violations.**
- **Define applicable terms.**
- **Specify that "name or likeness" would not include office title, address, or telephone number, or other contact information if that information did not include the name or likeness of an elected or appointed official.**

Specifically, the bill would prohibit, notwithstanding any provision of the law to the contrary, the name or likeness of an elected or appointed official from appearing on or being used in any communication that was paid for with public money and involved an election-related activity. An individual who violated this provision would be guilty of a misdemeanor punishable by a maximum fine of \$100 for a first offence and would be guilty of a misdemeanor punishable by a maximum fine of \$250 for a second or subsequent offense.

"Communication" would include any of the following: a) mail, b) billboards, c) radio or television advertisements, and d) social media posts or advertisements.

"Elected or appointed official" would mean any of the following: a) the Secretary of State, b) a county clerk, or c) a city, village, or township clerk.

"Election related activity" would include any of the following:

- Voting.
- Registering to vote.
- Applying for an absentee ballot.
- Submitting an absentee ballot by mail, at a clerk's office, or absentee ballot drop box.
- Finding a polling location.
- Monitoring the status of an absentee ballot online.
- Recruiting individuals to be precinct election inspectors.

"Name or likeness" would not include an office title, address, or telephone number, or other contact information, so long as that contact information did not include the name or likeness of an elected or appointed official.

FISCAL IMPACT

The bill could have a negative fiscal impact on the State and local government. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails. However, it is unknown how many people would be prosecuted under the bill's provisions. Any additional revenue from imposed fines would go to local libraries.

Fiscal Analyst: Joe Carrasco

SAS\S2122\s305sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.