HOUSE BILL No. 5664

March 7, 1996, Introduced by Reps. Perricone, Hill, Bodem, Bush and LaForge and referred to the Committee on House Oversight and Ethics.

A bill to amend section 47 of Act No. 388 of the Public Acts of 1976, entitled as amended

"Michigan campaign finance act,"

being section 169.247 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Section 47 of Act No. 388 of the Public Acts of 1976, being section 169.247 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 47. (1) A billboard, placard, poster, pamphlet, or other printed matter ~~having reference~~ THAT RELATES to an election, a candidate, or A ballot question, shall bear upon it the name and address of the person paying for the matter. IF THE BILLBOARD, PLACARD, POSTER, PAMPHLET, OR OTHER PRINTED MATTER RELATING TO A CANDIDATE IS AN INDEPENDENT EXPENDITURE THAT WAS NOT AUTHORIZED IN WRITING BY THE CANDIDATE COMMITTEE OF THAT

CANDIDATE, THE PRINTED MATTER SHALL CONTAIN THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY THE CANDIDATE COMMITTEE OF .....".
(CANDIDATE'S NAME)

(2) A radio or television paid advertisement ~~having reference~~ THAT RELATES 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 compliance with~~ COMPLY WITH SUBSECTION (3), AS APPLICABLE. THE RADIO OR TELEVISION PAID ADVERTISEMENT SHALL CONTAIN 1 OF the following DISCLAIMERS, AS APPLICABLE:

(a) If the radio 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 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: ~~,~~ ~~the advertisement shall contain the following disclaimer:~~ "Authorized by .....".
(name of candidate or name of candidate committee)

~~(3) If the printed matter relating to a candidate is an independent expenditure which was not authorized in writing by the candidate committee of that candidate, the printed matter shall contain the following disclaimer: "Not authorized by the candidate committee of .....".~~
~~(candidate's name)~~

(3) THE DISCLAIMER REQUIRED UNDER SUBSECTION (2)(A) OR (B) SHALL BE READ AS PART OF THE ADVERTISEMENT AND SHALL APPEAR ON THE TELEVISION SCREEN, IF APPLICABLE, AS THE DISCLAIMER IS BEING READ. IF THE PAYMENT FOR THE RADIO OR TELEVISION ADVERTISEMENT IS AN INDEPENDENT EXPENDITURE, THE NAME OF THE SPONSORING PERSON SHALL BE READ AS PART OF THE ADVERTISEMENT AND SHALL APPEAR ON THE TELEVISION SCREEN, IF APPLICABLE, AS THE SPONSOR'S NAME IS BEING READ. IF A CANDIDATE COMMITTEE PAYS FOR A RADIO ADVERTISEMENT THAT REFERS, DIRECTLY OR INDIRECTLY, TO ANOTHER CANDIDATE FOR THE SAME OFFICE, THAT REFERENCE SHALL BE MADE DIRECTLY BY THE CANDIDATE WHOSE COMMITTEE IS PAYING FOR THE ADVERTISEMENT. IF A CANDIDATE COMMITTEE PAYS FOR A TELEVISION ADVERTISEMENT THAT REFERS, DIRECTLY OR INDIRECTLY, TO ANOTHER CANDIDATE FOR THE SAME OFFICE, THAT REFERENCE SHALL BE MADE DIRECTLY ON CAMERA BY THE CANDIDATE WHOSE COMMITTEE IS PAYING FOR THE ADVERTISEMENT.

(4) The SECRETARY OF STATE SHALL PROMULGATE RULES THAT DETERMINE THE size and placement of the disclaimer ~~shall be determined by rules promulgated by the secretary of state~~ REQUIRED UNDER THIS SECTION. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

(5) ~~(4)~~ A person who knowingly violates this section is guilty of a misdemeanor ~~and shall be punished~~ PUNISHABLE, IF THE PERSON IS AN INDIVIDUAL, by a fine of not more than $1,000.00 ~~,~~ or ~~imprisoned~~ IMPRISONMENT for not more than 90 days, or

both, OR IF THE PERSON IS NOT AN INDIVIDUAL, BY A FINE OF NOT MORE THAN $10,000.00.