

**SUBSTITUTE FOR
HOUSE BILL NO. 5172**

[A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 6 (MCL 169.206), as amended by 2003 PA 69, and
by adding section 48a.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) "Expenditure" means a payment, donation, loan, or
2 promise of payment of money or anything of ascertainable monetary
3 value for goods, materials, services, or facilities in assistance
4 of, or in opposition to, the nomination or election of a candidate,
5 or the qualification, passage, or defeat of a ballot question.
6 Expenditure includes, but is not limited to, any of the following:

7 (a) A contribution or a transfer of anything of ascertainable
8 monetary value for purposes of influencing the nomination or
9 election of a candidate or the qualification, passage, or defeat of

1 a ballot question.

2 (b) Except as provided in subsection (2)(f) or (g), an
3 expenditure for voter registration or get-out-the-vote activities
4 made by a person who sponsors or finances the activity or who is
5 identified by name with the activity.

6 (c) Except as provided in subsection (2)(f) or (g), an
7 expenditure made for poll watchers, challengers, distribution of
8 election day literature, canvassing of voters to get out the vote,
9 or transporting voters to the polls.

10 **(D) EXCEPT AS PROVIDED IN SUBSECTION (2)(A), (B), OR (C), AN**
11 **EXPENDITURE MADE FOR AN AUTOMATED TELEPHONIC COMMUNICATION TO AN**
12 **ELECTOR REGARDING A CANDIDATE OR A BALLOT QUESTION.**

13 (2) Expenditure does not include any of the following:

14 (a) An expenditure for communication by a person with the
15 person's paid members or shareholders and those individuals who can
16 be solicited for contributions to a separate segregated fund under
17 section 55.

18 (b) An expenditure for communication on a subject or issue if
19 the communication does not support or oppose a ballot question or
20 candidate by name or clear inference.

21 (c) An expenditure for the establishment, administration, or
22 solicitation of contributions to a separate segregated fund or
23 independent committee.

24 (d) An expenditure by a broadcasting station, newspaper,
25 magazine, or other periodical or publication for a news story,
26 commentary, or editorial in support of or opposition to a candidate
27 for elective office or a ballot question in the regular course of

1 publication or broadcasting.

2 (e) An offer or tender of an expenditure if expressly and
3 unconditionally rejected or returned.

4 (f) An expenditure for nonpartisan voter registration or
5 nonpartisan get-out-the-vote activities made by an organization
6 that is exempt from federal income tax pursuant to section
7 501(c)(3) of the internal revenue code, ~~of 1986, 26 U.S.C. 501~~ **26**
8 **USC 501**, or any successor statute.

9 (g) An expenditure for nonpartisan voter registration or
10 nonpartisan get-out-the-vote activities performed pursuant to
11 chapter XXIII of the Michigan election law, 1954 PA 116, MCL
12 168.491 to 168.524, by the secretary of state and other
13 registration officials who are identified by name with the
14 activity.

15 (h) An expenditure by a state central committee of a political
16 party or a person controlled by a state central committee of a
17 political party for the construction, purchase, or renovation of 1
18 or more office facilities in Ingham county if the facility is not
19 constructed, purchased, or renovated for the purpose of influencing
20 the election of a candidate in a particular election. Items
21 excluded from the definition of expenditure under this subdivision
22 include expenditures approved in federal election commission
23 advisory opinions 1993-9, 2001-1, and 2001-12 as allowable
24 expenditures under the federal election campaign act of 1971,
25 ~~Public Law 92-225, 2 U.S.C. 431 to 434, 437, 437c to 439a, 439c,~~
26 ~~441a to 441h, and 442 to 455~~ **2 USC 431 TO 455**, and regulations
27 promulgated under that act, regardless of whether those advisory

House Bill No. 5172 (H-2) as amended September 13, 2006
1 opinions have been superseded.

2 SEC. [48A]. (1) AN AUTOMATED TELEPHONIC COMMUNICATION TO AN
3 ELECTOR THAT RELATES TO AN ELECTION, A CANDIDATE, OR A BALLOT
4 QUESTION SHALL CLEARLY STATE THE IDENTITY OF THE PERSON PAYING FOR
5 THE COMMUNICATION.

6 (2) A PERSON THAT IS NOT A COMMITTEE THAT MAKES A
7 COMMUNICATION DESCRIBED IN SUBSECTION (1) SHALL PROVIDE ALL OF THE
8 FOLLOWING INFORMATION TO THE SECRETARY OF STATE:

9 (A) THE IDENTITY OF THE PERSON MAKING THE COMMUNICATION.

10 (B) THE ADDRESS AND TELEPHONE NUMBER WHERE THE PERSON MAKING
11 THE COMMUNICATION CAN BE CONTACTED DURING ORDINARY BUSINESS HOURS.

12 (C) THE NAME OF THE PERSON PAYING FOR THE COMMUNICATION.

13 [(D) THE AMOUNT THE PERSON MAKING THE COMMUNICATION WAS OR IS TO BE
14 PAID FOR MAKING THE COMMUNICATION.]

15 (3) FOR EACH MONTH IN WHICH A PERSON MAKES A COMMUNICATION TO
16 WHICH SUBSECTION (2) APPLIES, THE PERSON SHALL PROVIDE THE
17 INFORMATION REQUIRED BY SUBSECTION (2) TO THE SECRETARY OF STATE ON
18 OR BEFORE THE FIFTEENTH DAY OF THE FOLLOWING MONTH.

19 (4) THE SECRETARY OF STATE SHALL MAKE THE INFORMATION PROVIDED
20 UNDER THIS SECTION AVAILABLE TO THE PUBLIC.

21 (5) A PERSON SHALL NOT MAKE AN AUTOMATED TELEPHONIC
22 COMMUNICATION DESCRIBED IN SUBSECTION (1) AFTER 9 P.M. AND BEFORE 9
23 A.M.

(6) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF
A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00.