

HOUSE BILL No. 5172

September 13, 2005, Introduced by Reps. Wenke, Nofs, Jones, Ward, Kehrl, Moore, Walker, Bieda, Hildenbrand, Palmer, Tobocman and Kahn and referred to the Committee on House Oversight, Elections, and Ethics.

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 48.

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:

1 (a) A contribution or a transfer of anything of ascertainable
2 monetary value for purposes of influencing the nomination or
3 election of a candidate or the qualification, passage, or defeat of
4 a ballot question.

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

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

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

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

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

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

24 (c) An expenditure for the establishment, administration, or
25 solicitation of contributions to a separate segregated fund or
26 independent committee.

27 (d) An expenditure by a broadcasting station, newspaper,

1 magazine, or other periodical or publication for a news story,
2 commentary, or editorial in support of or opposition to a candidate
3 for elective office or a ballot question in the regular course of
4 publication or broadcasting.

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

7 (f) An expenditure for nonpartisan voter registration or
8 nonpartisan get-out-the-vote activities made by an organization
9 that is exempt from federal income tax pursuant to section
10 501(c)(3) of the internal revenue code, ~~of 1986, 26 U.S.C. 501~~ **26**
11 **USC 501**, or any successor statute.

12 (g) An expenditure for nonpartisan voter registration or
13 nonpartisan get-out-the-vote activities performed pursuant to
14 chapter XXIII of the Michigan election law, 1954 PA 116, MCL
15 168.491 to 168.524, by the secretary of state and other
16 registration officials who are identified by name with the
17 activity.

18 (h) An expenditure by a state central committee of a political
19 party or a person controlled by a state central committee of a
20 political party for the construction, purchase, or renovation of 1
21 or more office facilities in Ingham county if the facility is not
22 constructed, purchased, or renovated for the purpose of influencing
23 the election of a candidate in a particular election. Items
24 excluded from the definition of expenditure under this subdivision
25 include expenditures approved in federal election commission
26 advisory opinions 1993-9, 2001-1, and 2001-12 as allowable
27 expenditures under the federal election campaign act of 1971,

1 ~~Public Law 92-225, 2 U.S.C. 431 to 434, 437, 437c to 439a, 439c,~~
2 ~~441a to 441h, and 442 to 455~~ 2 USC 431 TO 455, and regulations
3 promulgated under that act, regardless of whether those advisory
4 opinions have been superseded.

5 SEC. 48. (1) AN AUTOMATED TELEPHONIC COMMUNICATION TO AN
6 ELECTOR THAT RELATES TO AN ELECTION, A CANDIDATE, OR A BALLOT
7 QUESTION SHALL CLEARLY STATE THE IDENTITY OF THE PERSON PAYING FOR
8 THE COMMUNICATION. IF THE COMMUNICATION DESCRIBED IN THIS
9 SUBSECTION RELATES TO A CANDIDATE AND IS AN INDEPENDENT EXPENDITURE
10 NOT AUTHORIZED IN WRITING BY A CANDIDATE'S CANDIDATE COMMITTEE, THE
11 COMMUNICATION SHALL CLEARLY STATE THE FOLLOWING DISCLAIMER: "NOT
12 AUTHORIZED BY A CANDIDATE COMMITTEE". IF THE COMMUNICATION
13 DESCRIBED IN THIS SUBSECTION RELATES TO A CANDIDATE AND IS NOT AN
14 INDEPENDENT EXPENDITURE, BUT IS PAID FOR BY A PERSON OTHER THAN THE
15 CANDIDATE TO WHOM IT IS RELATED, THE COMMUNICATION SHALL CLEARLY
16 STATE THE FOLLOWING DISCLAIMER: "AUTHORIZED BY (NAME OF CANDIDATE
17 OR NAME OF CANDIDATE COMMITTEE)".

18 (2) A PERSON THAT IS NOT A COMMITTEE THAT MAKES A
19 COMMUNICATION DESCRIBED IN SUBSECTION (1) FOR A CANDIDATE OR A
20 COMMITTEE SHALL PROVIDE ALL OF THE FOLLOWING INFORMATION TO THE
21 SECRETARY OF STATE:

22 (A) THE IDENTITY OF THE PERSON.

23 (B) THE ADDRESS AND TELEPHONE NUMBER WHERE THE PERSON CAN BE
24 CONTACTED DURING ORDINARY BUSINESS HOURS.

25 (C) THE NAME OF EACH CANDIDATE OR COMMITTEE FOR WHICH THE
26 PERSON HAS MADE A COMMUNICATION TO WHICH THIS SUBSECTION APPLIES.

27 (3) FOR EACH MONTH IN WHICH A PERSON MAKES A COMMUNICATION TO

1 WHICH SUBSECTION (2) APPLIES, THE PERSON SHALL PROVIDE THE
2 INFORMATION REQUIRED BY SUBSECTION (2) TO THE SECRETARY OF STATE ON
3 OR BEFORE THE FIFTEENTH DAY OF THE FOLLOWING MONTH.

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

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