

# HOUSE BILL No. 4082

January 22, 2007, Introduced by Rep. Hoogendyk and referred to the Committee on Energy and Technology.

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 1996 PA 590, 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 A  
4       POLITICAL ISSUE.

5       (2) ~~(1)~~—"Award" means a plaque, trophy, certificate, bust,

1 ceremonial gavel, or memento.

2 (3) ~~(2)~~—"Ballot question" means a question that is submitted  
3 or is intended to be submitted to a popular vote at an election  
4 whether or not it qualifies for the ballot.

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

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

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

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

26 Sec. 5. (1) "Domestic dependent sovereign" means an Indian  
27 tribe that has been acknowledged, recognized, restored, or

1 reaffirmed as an Indian tribe by the secretary of the interior  
2 pursuant to chapter 576, 48 Stat. 984, 25 ~~U.S.C.~~ **USC** 461 to 463,  
3 464 to 465, 466 to 470, 471 to 472, 473, 474 to 475, 476 to 478,  
4 and 479, commonly referred to as the Indian reorganization act, or  
5 has otherwise been acknowledged by the United States government as  
6 an Indian tribe.

7       **(2) "DO-NOT-CALL LIST" MEANS A DO-NOT-CALL LIST OF INDIVIDUALS**  
8 **DESIGNATED BY THE PUBLIC SERVICE COMMISSION CONCERNING AUTOMATED**  
9 **TELEPHONIC COMMUNICATIONS.**

10       **(3)** ~~(2)~~—"Election" means a primary, general, special, or  
11 millage election held in this state or a convention or caucus of a  
12 political party held in this state to nominate a candidate.  
13 Election includes a recall vote.

14       **(4)** ~~(3)~~—"Election cycle" means 1 of the following:

15       (a) For a general election, the period beginning the day  
16 following the last general election in which the office appeared on  
17 the ballot and ending on the day of the general election in which  
18 the office next appears on the ballot.

19       (b) For a special election, the period beginning the day a  
20 special general election is called or the date the office becomes  
21 vacant, whichever is earlier, and ending on the day of the special  
22 general election.

23       **(5)** ~~(4)~~—"Elective office" means a public office filled by an  
24 election. A person who is appointed to fill a vacancy in a public  
25 office that is ordinarily elective holds an elective office.  
26 Elective office does not include the office of precinct delegate.  
27 Except for the purposes of sections 47, 54, and 55, elective office

1 does not include a school board member in a school district that  
2 has a pupil membership of 2,400 or less enrolled on the most recent  
3 pupil membership count day. However, elective office includes a  
4 school board member in a school district that has a pupil  
5 membership of 2,400 or less, if a candidate committee of a  
6 candidate for the office of school board member in that school  
7 district receives an amount in excess of \$1,000.00 or expends an  
8 amount in excess of \$1,000.00. Elective office does not include a  
9 federal office except for the purposes of section 57.

10       Sec. 11. (1) "Person" means a business, individual,  
11 proprietorship, firm, partnership, joint venture, syndicate,  
12 business trust, labor organization, company, corporation,  
13 association, committee, or any other organization or group of  
14 persons acting jointly.

15       (2) "Political committee" means a committee that is not a  
16 candidate committee, political party committee, independent  
17 committee, or ballot question committee.

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

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

1       (5) "Political party committee" means a state central,  
2 district, or county committee of a political party which is a  
3 committee. Each state central committee shall designate the  
4 official party county and district committees. There shall not be  
5 more than 1 officially designated political party committee per  
6 county and per congressional district.

7       **(6) "POLITICAL SOLICITOR" MEANS A PERSON WHO MAKES OR CAUSES**  
8 **TO BE MADE AN AUTOMATED TELEPHONIC COMMUNICATION.**

9       (7) ~~(6)~~—"Public body" means 1 or more of the following:

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

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

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

20       (d) Any other body that is created by state or local authority  
21 or is primarily funded by or through state or local authority,  
22 which body exercises governmental or proprietary authority or  
23 performs a governmental or proprietary function.

24       **SEC. 48. (1) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE**  
25 **AMENDATORY ACT THAT ADDED THIS SECTION, THE COMMISSION SHALL DO 1**  
26 **OF THE FOLLOWING:**

27       **(A) ESTABLISH A STATE DO-NOT-CALL LIST CONCERNING AUTOMATED**

1 TELEPHONIC COMMUNICATIONS. IF THE COMMISSION ESTABLISHES A STATE  
2 DO-NOT-CALL LIST UNDER THIS SUBDIVISION, IT SHALL PUBLISH THAT LIST  
3 QUARTERLY FOR USE BY POLITICAL SOLICITORS. THE COMMISSION MAY AT  
4 ANY TIME CEASE TO MAINTAIN A LIST UNDER THIS SUBDIVISION AND MAKE A  
5 DESIGNATION UNDER SUBDIVISION (B).

6 (B) INVESTIGATE ANY NATIONAL DO-NOT-CALL LISTS THEN IN  
7 EXISTENCE AND AFTER CONSIDERATION OF EACH LIST'S ACCESSIBILITY TO  
8 POLITICAL SOLICITORS, EASE AND COST OF REGISTRATION FOR INDIVIDUALS  
9 SEEKING INCLUSION, AND THE LIST TRANSFER POLICIES OF THE LIST  
10 KEEPER, DESIGNATE A LIST AS THE AUTHORIZED DO-NOT-CALL LIST. THE  
11 COMMISSION MAY REVIEW AND MAKE A DIFFERENT DESIGNATION UNDER THIS  
12 SUBDIVISION AT ANY TIME IF THE COMMISSION DETERMINES THAT AN  
13 ALTERNATIVE DO-NOT-CALL LIST PROVIDES SUPERIOR ACCESSIBILITY TO  
14 POLITICAL SOLICITORS AND EASE AND COST OF REGISTRATION FOR  
15 INDIVIDUALS SEEKING INCLUSION OR IF THE ORGANIZATION MAINTAINING A  
16 PREVIOUSLY DESIGNATED DO-NOT-CALL LIST ENGAGES IN ACTIVITIES THE  
17 COMMISSION CONSIDERS CONTRARY TO THE PUBLIC INTEREST. THE  
18 COMMISSION MAY AT ANY TIME DISCONTINUE A DESIGNATION UNDER THIS  
19 SUBDIVISION AND ESTABLISH AND MAINTAIN A LIST UNDER SUBDIVISION  
20 (A).

21 (2) IN DETERMINING WHETHER TO ESTABLISH OR DESIGNATE A DO-NOT-  
22 CALL LIST UNDER SUBSECTION (1), OR IN DESIGNATING A DO-NOT-CALL  
23 LIST UNDER SUBSECTION (1) (B), THE COMMISSION SHALL CONSIDER  
24 COMMENTS FROM INDIVIDUALS, POLITICAL SOLICITORS, OR ANY OTHER  
25 PERSON.

26 (3) BEGINNING 90 DAYS AFTER THE COMMISSION ESTABLISHES OR  
27 DESIGNATES A DO-NOT-CALL LIST UNDER SUBSECTION (1), A POLITICAL

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

4 (4) A POLITICAL SOLICITOR SHALL NOT USE A DO-NOT-CALL LIST FOR  
5 ANY PURPOSE OTHER THAN MEETING THE REQUIREMENTS OF SUBSECTION (3).  
6 A POLITICAL SOLICITOR SHALL NOT SELL OR TRANSFER A DO-NOT-CALL LIST  
7 TO ANY PERSON FOR ANY PURPOSE UNRELATED TO THIS SECTION.

8 (5) IF THE COMMISSION ESTABLISHES AND MAINTAINS THE DO-NOT-  
9 CALL LIST UNDER SUBSECTION (1), THE COMMISSION SHALL NOT SELL OR  
10 TRANSFER THE DO-NOT-CALL LIST TO ANY PERSON FOR ANY PURPOSE  
11 UNRELATED TO THIS SECTION.

12 (6) AS USED IN THIS SECTION, "COMMISSION" MEANS THE PUBLIC  
13 SERVICE COMMISSION.