

HOUSE BILL No. 4036

January 12, 2017, Introduced by Reps. Hammoud, Sabo, Jones, Moss, Schor, Brinks, Camilleri, Wittenberg and Ellison and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 47 (MCL 169.247), as amended by 2015 PA 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 47. (1) Except as otherwise provided in this subsection
2 and subject to subsections (3) and (4), a billboard, placard,
3 poster, pamphlet, or other printed matter having reference to an
4 election, a candidate, or a ballot question, ~~shall~~ **MUST** bear upon
5 it an identification that contains the name and address of the
6 person paying for the matter. Except as otherwise provided in this
7 subsection and subsection (5) and subject to subsections (3) and
8 (4), if the printed matter relating to a candidate is an
9 independent expenditure that is not authorized in writing by the
10 candidate committee of that candidate, in addition to the

1 identification required under this subsection, the printed matter
 2 ~~shall~~**MUST** contain the following disclaimer: "Not authorized by any
 3 candidate committee". An individual other than a candidate is not
 4 subject to this subsection if the individual is acting
 5 independently and not acting as an agent for a candidate or any
 6 committee. This subsection does not apply to communications between
 7 a separate segregated fund established under section 55 and
 8 individuals who can be solicited for contributions to that separate
 9 segregated fund under section 55.

10 (2) A radio or television paid advertisement having reference
 11 to an election, a candidate, or a ballot question ~~shall~~**MUST**
 12 identify the sponsoring person as required by the Federal
 13 Communications Commission, bear an identification that contains the
 14 name of the person paying for the advertisement, and be in
 15 compliance with subsection (3) and, except as otherwise provided by
 16 subsection (5), with the following:

17 (a) If the radio or television paid advertisement relates to a
 18 candidate and is an independent expenditure, the advertisement
 19 ~~shall~~**MUST** contain the following disclaimer: "Not authorized by any
 20 candidate".

21 (b) If the radio or television paid advertisement relates to a
 22 candidate and is not an independent expenditure but is paid for by
 23 a person other than the candidate to which it is related, the
 24 advertisement ~~shall~~**MUST** contain the following disclaimer:

25 "Authorized
 26 by.....".
 (name of candidate or name of candidate committee)

1 (3) The **SECRETARY OF STATE SHALL DETERMINE THE** size and
2 placement of an identification or disclaimer required by this
3 section ~~shall be determined by~~ **IN** rules promulgated by the
4 secretary of state. The rules may exempt printed matter and certain
5 other items such as campaign buttons or balloons, the size of which
6 makes it unreasonable to add an identification or disclaimer, from
7 the identification or disclaimer required by this section.

8 (4) Except for a communication described in subsection (5) and
9 except for a candidate committee's printed matter or radio or
10 television paid advertisements, each identification required by
11 this section ~~shall~~ **MUST** also indicate that the printed matter or
12 radio or television paid advertisement is paid for "with regulated
13 funds". Printed matter or a radio or television paid advertisement
14 that is not subject to this act shall not bear the statement
15 required by this subsection.

16 (5) A communication otherwise entirely exempted from this act
17 under section 6(2)(j) is subject to both of the following:

18 (a) Must contain the identification required by subsection
19 (1), (2), or (7) if that communication references a clearly
20 identified candidate or ballot question ~~within 60 days before a~~
21 ~~general election or 30 days before a primary~~ **AN** election in which
22 the candidate or ballot question appears on a ballot and is
23 targeted to the relevant electorate where the candidate or ballot
24 question appears on the ballot by means of radio, television, mass
25 mailing, or prerecorded telephone message.

26 (b) Is not required to contain the disclaimer required by
27 subsection (1) or (2).

1 (6) A person who knowingly violates this section is guilty of
2 a misdemeanor punishable by a fine of not more than \$1,000.00 ~~or~~
3 imprisonment for not more than 93 days, or both.

4 (7) A prerecorded telephone message that in express terms
5 advocates the election or defeat of a clearly identified candidate,
6 or the qualification, passage, or defeat of a ballot question,
7 ~~shall~~**MUST** bear an identification that contains the name and
8 telephone number, address, or other contact information of the
9 person paying for the prerecorded telephone message ~~and shall be~~
10 in compliance with subsection (4). A prerecorded telephone message
11 subject to this subsection is not required to contain a disclaimer.

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.