

SENATE BILL No. 143

January 29, 2009, Introduced by Senators McMANUS, BARCIA, HARDIMAN and BROWN and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 47 (MCL 169.247), as amended by 2001 PA 250.

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),~~ **EXCEPT FOR PRINTED MATTER**
3 **NOT SUBJECT TO THIS ACT,** a billboard, placard, poster, pamphlet,
4 or other printed matter ~~having reference to an election, a~~
5 ~~candidate, or a ballot question,~~ **THAT IS AN EXPENDITURE OR**
6 **CONTRIBUTION UNDER THIS ACT** shall bear upon it the name and
7 address of the person paying for the matter **AND SHALL, EXCEPT FOR**
8 **A CANDIDATE COMMITTEE'S PRINTED MATTER, INDICATE THAT THE PRINTED**

1 **MATTER IS PAID FOR "WITH REGULATED FUNDS"**. ~~Except as otherwise~~
 2 ~~provided in this subsection and subject to subsections (3) and~~
 3 ~~(4), if~~ **IF** the printed matter relating to a candidate is an
 4 independent expenditure that is not authorized ~~in writing~~ by the
 5 candidate committee of that candidate, the printed matter shall
 6 contain the following disclaimer: "Not authorized by any
 7 candidate committee". An individual other than a candidate is not
 8 subject to this subsection if the individual is acting
 9 independently and not acting as an agent for a candidate or any
 10 committee.

11 (2) ~~A~~ **EXCEPT FOR ADVERTISEMENTS NOT SUBJECT TO THIS ACT, A**
 12 radio, **INCLUDING SATELLITE RADIO**, or television paid
 13 advertisement ~~having reference to an election, a candidate, or a~~
 14 ~~ballot question~~ **THAT IS AN EXPENDITURE OR CONTRIBUTION UNDER THIS**
 15 **ACT** shall identify the sponsoring person as required by the
 16 federal communications commission, ~~shall bear the name of the~~
 17 person paying for the advertisement, ~~and shall be in compliance~~
 18 **COMPLY** with subsection ~~(3)~~ **(5)**, and, ~~with the following:~~ **EXCEPT**
 19 **FOR A CANDIDATE COMMITTEE'S ADVERTISEMENTS, INDICATE THAT THE**
 20 **ADVERTISEMENT IS PAID FOR "WITH REGULATED FUNDS"**.

21 ~~——(a)~~ If the radio, **INCLUDING SATELLITE RADIO**, or television
 22 paid advertisement relates to a candidate and is an independent
 23 expenditure, the advertisement shall contain the following
 24 disclaimer: "Not authorized by any candidate".

25 ~~——(b)~~ If the radio, **INCLUDING SATELLITE RADIO**, or television
 26 paid advertisement relates to a candidate and is not an
 27 independent expenditure but is paid for by a person other than

1 the candidate to which it is related, the advertisement shall
 2 contain the following disclaimer:

3 "Authorized by".
 4 (name of candidate or name of candidate committee)

5 AN INDIVIDUAL OTHER THAN A CANDIDATE IS NOT SUBJECT TO THIS
 6 SUBSECTION IF THE INDIVIDUAL IS ACTING INDEPENDENTLY AND NOT
 7 ACTING AS AN AGENT FOR A CANDIDATE OR ANY COMMITTEE.

8 (3) EXCEPT FOR WEBSITE ADVERTISEMENTS NOT SUBJECT TO THIS
 9 ACT, A PAID ADVERTISEMENT ON A WEBSITE HAVING REFERENCE TO A
 10 CANDIDATE AND THAT IS AN EXPENDITURE OR CONTRIBUTION UNDER THIS
 11 ACT SHALL IDENTIFY BY NAME THE PERSON PAYING FOR THE
 12 ADVERTISEMENT OR, IF THE PERSON MAKING THE ADVERTISEMENT
 13 MAINTAINS THE WEBSITE, PAYING FOR THE WEBSITE AND SHALL, EXCEPT
 14 FOR A CANDIDATE COMMITTEE'S WEBSITE ADVERTISEMENT, INDICATE THAT
 15 THE ADVERTISEMENT IS PAID FOR "WITH REGULATED FUNDS". IF THE
 16 PAYMENT IS AN INDEPENDENT EXPENDITURE, THE ADVERTISEMENT SHALL
 17 CONTAIN THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY
 18 CANDIDATE.". IF THE PAYMENT IS NOT AN INDEPENDENT EXPENDITURE AND
 19 IS MADE BY A PERSON OTHER THAN A CANDIDATE COMMITTEE, THE
 20 ADVERTISEMENT SHALL CONTAIN THE FOLLOWING DISCLAIMER:

21 "AUTHORIZED BY.....".
 22 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

23 AN INDIVIDUAL OTHER THAN A CANDIDATE IS NOT SUBJECT TO THIS
 24 SUBSECTION IF THE INDIVIDUAL IS ACTING INDEPENDENTLY AND NOT
 25 ACTING AS AN AGENT FOR A CANDIDATE OR ANY COMMITTEE.

(4) EXCEPT FOR WEBSITE ADVERTISEMENTS NOT SUBJECT TO THIS ACT, A PAID ADVERTISEMENT ON A WEBSITE HAVING REFERENCE TO A BALLOT QUESTION AND THAT IS AN EXPENDITURE OR CONTRIBUTION UNDER THIS ACT SHALL IDENTIFY BY NAME THE PERSON PAYING FOR THE ADVERTISEMENT OR, IF THE PERSON MAKING THE ADVERTISEMENT MAINTAINS THE WEBSITE, PAYING FOR THE WEBSITE AND SHALL, EXCEPT FOR A BALLOT COMMITTEE'S WEBSITE ADVERTISEMENT, INDICATE THAT THE ADVERTISEMENT IS PAID FOR "WITH REGULATED FUNDS". IF THE PAYMENT IS AN INDEPENDENT EXPENDITURE, THE ADVERTISEMENT SHALL CONTAIN THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY BALLOT COMMITTEE". IF THE PAYMENT IS NOT AN INDEPENDENT EXPENDITURE AND IS MADE BY A PERSON OTHER THAN A BALLOT COMMITTEE, THE ADVERTISEMENT SHALL CONTAIN THE FOLLOWING DISCLAIMER:

"AUTHORIZED BY.....".
(NAME OF THE BALLOT COMMITTEE)

AN INDIVIDUAL IS NOT SUBJECT TO THIS SUBSECTION IF THE INDIVIDUAL IS ACTING INDEPENDENTLY AND NOT ACTING AS AN AGENT FOR A BALLOT COMMITTEE OR ANY COMMITTEE.

(5) ~~(3)~~ The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. 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.

~~(4) Except for a candidate committee's printed matter or~~

~~radio or television paid advertisements, each identification or disclaimer required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds". Printed matter or a radio or television paid advertisement that is not subject to this act shall not bear the statement required by this subsection.~~

(6) ONLY PRINTED MATTER OR ADVERTISEMENTS THAT ARE SUBJECT TO THIS ACT SHALL BEAR THE "WITH REGULATED FUNDS" STATEMENT REQUIRED BY THIS SECTION. ANY PERSON WHO USES THE "WITH REGULATED FUNDS" STATEMENT REQUIRED BY THIS SECTION WITH RESPECT TO PRINTED MATTER OR ADVERTISEMENTS THAT ARE NOT SUBJECT TO THIS ACT VIOLATES THIS ACT.

(7) ~~(5)~~ A person RESPONSIBLE FOR THE CONTENT OF THE PRINTED MATTER, RADIO, INCLUDING SATELLITE RADIO, OR TELEVISION PAID ADVERTISEMENT who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 93 days, or both.