

HOUSE BILL No. 4086

January 18, 2011, Introduced by Reps. Shaughnessy, Rogers, LaFontaine, Yonker, Barnett, Brown, Tyler, MacMaster and Horn and referred to the Committee on Redistricting and Elections.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
(MCL 169.201 to 169.282) by adding section 48.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 48. (1) A COMMUNICATION ADVOCATING THE ELECTION OR
2 DEFEAT OF A CANDIDATE THAT IS DESIGNED TO CONTACT ELECTORS
3 THROUGH AUTOMATED TELEPHONIC, ELECTRONIC MAIL, OR OTHER
4 ELECTRONIC MEANS AND TO WHICH SECTION 47 DOES NOT APPLY SHALL
5 CLEARLY STATE THE NAME OF THE PERSON PAYING FOR THE
6 COMMUNICATION.

7 (2) IF THE COMMUNICATION DESCRIBED IN SUBSECTION (1)
8 ADVOCATES THE ELECTION OR DEFEAT OF A CANDIDATE AND IS AN
9 INDEPENDENT EXPENDITURE NOT AUTHORIZED IN WRITING BY THAT
10 CANDIDATE'S CANDIDATE COMMITTEE, THE COMMUNICATION SHALL ALSO
11 CLEARLY STATE THE FOLLOWING DISCLAIMER: "NOT AUTHORIZED BY ANY

1 CANDIDATE COMMITTEE.". IF THE COMMUNICATION DESCRIBED IN
 2 SUBSECTION (1) ADVOCATES THE ELECTION OR DEFEAT OF A CANDIDATE
 3 AND IS NOT AN INDEPENDENT EXPENDITURE, BUT IS PAID FOR BY A
 4 PERSON OTHER THAN THE CANDIDATE WHOM IT ADVOCATES THE ELECTION OR
 5 DEFEAT OF, THE COMMUNICATION SHALL ALSO CLEARLY STATE THE
 6 FOLLOWING DISCLAIMER:

7 "AUTHORIZED BY _____".
 8 (NAME OF CANDIDATE OR NAME OF CANDIDATE COMMITTEE)

9 (3) A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION (1)
 10 SHALL STATE THE NAME OF THE PERSON PAYING FOR THE COMMUNICATION
 11 AND ANY DISCLAIMERS REQUIRED UNDER SUBSECTION (2) AT THE
 12 BEGINNING OF THE TELEPHONIC COMMUNICATION. A TELEPHONIC
 13 COMMUNICATION DESCRIBED IN SUBSECTION (1) SHALL NOT TAKE PLACE
 14 BETWEEN THE HOURS OF 9 P.M. AND 9 A.M. IN THE TIME ZONE WITHIN
 15 WHICH THE RECIPIENT OF THE TELEPHONIC COMMUNICATION IS LOCATED.

16 (4) FOR A VISUAL COMMUNICATION GOVERNED BY THIS SECTION, THE
 17 DIRECTOR OF ELECTIONS SHALL PROMULGATE RULES REGULATING THE SIZE
 18 AND PLACEMENT OF AN IDENTIFICATION OR DISCLAIMER REQUIRED BY THIS
 19 SECTION.

20 (5) THE SECRETARY OF STATE SHALL FURNISH TO CANDIDATES AND
 21 POST ON ITS INTERNET WEBSITE INFORMATION REGARDING THE
 22 PROHIBITIONS IN THIS SECTION.

23 (6) A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY
 24 OF A CRIME AS FOLLOWS:

25 (A) FOR THE FIRST VIOLATION, THE PERSON IS GUILTY OF A
 26 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS

1 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

2 (B) FOR THE SECOND VIOLATION, THE PERSON IS GUILTY OF A
3 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS
4 OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

5 (C) FOR THE THIRD OR SUBSEQUENT VIOLATION, THE PERSON IS
6 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
7 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.