

HOUSE BILL No. 4236

February 10, 2011, Introduced by Reps. Brown, Segal, Cavanagh, Nathan, Slavens and Bauer 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 AND THE ADDRESS OR TELEPHONE NUMBER OF THE
6 PERSON PAYING FOR THE 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

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

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

10 (3) A TELEPHONIC COMMUNICATION DESCRIBED IN SUBSECTION (1)
11 SHALL STATE THE NAME AND THE ADDRESS OR TELEPHONE NUMBER OF THE
12 PERSON PAYING FOR THE COMMUNICATION AND ANY DISCLAIMERS REQUIRED
13 UNDER SUBSECTION (2) AT THE BEGINNING OF THE TELEPHONIC
14 COMMUNICATION.

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

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

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

24 (A) FOR THE FIRST VIOLATION, THE PERSON IS GUILTY OF A
25 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
26 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

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

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