

# HOUSE BILL No. 5254

January 19, 2012, Introduced by Reps. Lindberg, Constan, Segal, Liss, Bauer, Cavanagh, Slavens and Tlaib and referred to the Committee on Redistricting and Elections.

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending sections 5 and 11 (MCL 169.205 and 169.211), 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. 5. (1) "Domestic dependent sovereign" means an Indian  
2       tribe that has been acknowledged, recognized, restored, or  
3       reaffirmed as an Indian tribe by the secretary of the interior  
4       pursuant to chapter 576, 48 Stat. 984, 25 ~~U.S.C.~~ **USC** 461 to 463,  
5       464 to 465, 466 to 470, 471 to 472, 473, 474 to 475, 476 to 478,  
6       and 479, commonly referred to as the Indian reorganization act, or  
7       has otherwise been acknowledged by the United States government as

1 an Indian tribe.

2 (2) "DO-NOT-CALL LIST" MEANS A DO-NOT-CALL LIST OF INDIVIDUALS  
3 DESIGNATED BY THE SECRETARY OF STATE CONCERNING POLITICAL  
4 TELEPHONIC COMMUNICATIONS.

5 (3) ~~(2)~~—"Election" means a primary, general, special, or  
6 millage election held in this state or a convention or caucus of a  
7 political party held in this state to nominate a candidate.  
8 Election includes a recall vote.

9 (4) ~~(3)~~—"Election cycle" means 1 of the following:

10 (a) For a general election, the period beginning the day  
11 following the last general election in which the office appeared on  
12 the ballot and ending on the day of the general election in which  
13 the office next appears on the ballot.

14 (b) For a special election, the period beginning the day a  
15 special general election is called or the date the office becomes  
16 vacant, whichever is earlier, and ending on the day of the special  
17 general election.

18 (5) ~~(4)~~—"Elective office" means a public office filled by an  
19 election. A person who is appointed to fill a vacancy in a public  
20 office that is ordinarily elective holds an elective office.  
21 Elective office does not include the office of precinct delegate.  
22 Except for the purposes of sections 47, 54, and 55, elective office  
23 does not include a school board member in a school district that  
24 has a pupil membership of 2,400 or less enrolled on the most recent  
25 pupil membership count day. However, elective office includes a  
26 school board member in a school district that has a pupil  
27 membership of 2,400 or less, if a candidate committee of a

1 candidate for the office of school board member in that school  
2 district receives an amount in excess of \$1,000.00 or expends an  
3 amount in excess of \$1,000.00. Elective office does not include a  
4 federal office except for the purposes of section 57.

5       Sec. 11. (1) "Person" means a business, individual,  
6 proprietorship, firm, partnership, joint venture, syndicate,  
7 business trust, labor organization, company, corporation,  
8 association, committee, or any other organization or group of  
9 persons acting jointly.

10       (2) "Political committee" means a committee that is not a  
11 candidate committee, political party committee, independent  
12 committee, or ballot question committee.

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

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

23       (5) "Political party committee" means a state central,  
24 district, or county committee of a political party which is a  
25 committee. Each state central committee shall designate the  
26 official party county and district committees. There shall not be  
27 more than 1 officially designated political party committee per

1 county and per congressional district.

2 (6) "POLITICAL SOLICITOR" MEANS A PERSON WHO MAKES OR CAUSES  
3 TO BE MADE A POLITICAL TELEPHONIC COMMUNICATION.

4 (7) "POLITICAL TELEPHONIC COMMUNICATION" MEANS ANY OUTBOUND  
5 TELEPHONE CALL THAT PROMOTES, ADVERTISES, OR CAMPAIGNS FOR OR  
6 AGAINST A POLITICAL CANDIDATE OR A POLITICAL ISSUE.

7 (8) ~~(6)~~—"Public body" means 1 or more of the following:

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

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

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

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

22 SEC. 48. (1) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE  
23 AMENDATORY ACT THAT ADDED THIS SECTION, THE SECRETARY OF STATE  
24 SHALL ESTABLISH A STATE DO-NOT-CALL LIST CONCERNING POLITICAL  
25 TELEPHONIC COMMUNICATIONS. THE SECRETARY OF STATE SHALL PUBLISH  
26 THAT LIST QUARTERLY FOR USE BY POLITICAL SOLICITORS. THE SECRETARY  
27 OF STATE SHALL NOT COLLECT ANY FEES FROM INDIVIDUALS SEEKING

1 INCLUSION ON THE DO-NOT-CALL LIST. THE SECRETARY OF STATE SHALL  
2 ALLOW INDIVIDUALS TO REQUEST THAT THEIR NAME BE PLACED ON THE DO-  
3 NOT-CALL LIST BY MAIL OR TELEPHONE, ON THE SECRETARY OF STATE'S  
4 WEBSITE, OR AT A SECRETARY OF STATE BRANCH OFFICE.

5 (2) BEGINNING 90 DAYS AFTER THE SECRETARY OF STATE ESTABLISHES  
6 A DO-NOT-CALL LIST UNDER SUBSECTION (1), A POLITICAL SOLICITOR  
7 SHALL NOT MAKE OR CAUSE TO BE MADE A POLITICAL TELEPHONIC  
8 COMMUNICATION FROM WITHIN THIS STATE TO AN INDIVIDUAL WHOSE NAME IS  
9 ON THE THEN-CURRENT VERSION OF THE DO-NOT-CALL LIST.

10 (3) A POLITICAL SOLICITOR SHALL NOT USE A DO-NOT-CALL LIST FOR  
11 ANY PURPOSE OTHER THAN MEETING THE REQUIREMENTS OF SUBSECTION (2).  
12 A POLITICAL SOLICITOR SHALL NOT SELL OR TRANSFER A DO-NOT-CALL LIST  
13 TO ANY PERSON FOR ANY PURPOSE UNRELATED TO THIS SECTION.

14 (4) THE SECRETARY OF STATE SHALL NOT SELL OR TRANSFER THE DO-  
15 NOT-CALL LIST TO ANY PERSON FOR ANY PURPOSE UNRELATED TO THIS  
16 SECTION.

17 (5) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL  
18 FINE OF NOT MORE THAN \$1,000.00 FOR EACH VIOLATION.

19 (6) A PERSON WHO SUFFERS A LOSS AS A RESULT OF A VIOLATION OF  
20 THIS SECTION MAY BRING AN ACTION TO RECOVER ACTUAL DAMAGES OR  
21 \$1,000.00, WHICHEVER IS GREATER, TOGETHER WITH REASONABLE ATTORNEY  
22 FEES.