

HOUSE BILL No. 5882

September 11, 2012, Introduced by Rep. Kowall and referred to the Committee on Redistricting and Elections.

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 2, 5, and 11 (MCL 169.202, 169.205, and 169.211), section 2 as amended by 2001 PA 250, section 5 as amended by 1999 PA 237, and section 11 as amended by 2012 PA 31, and by adding section 48.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) "AUTOMATED TELEPHONIC COMMUNICATION" MEANS ANY
2 OUTBOUND TELEPHONE CALL THAT PLAYS A RECORDED MESSAGE TO PROMOTE,
3 ADVERTISE, OR CAMPAIGN FOR OR AGAINST A POLITICAL CANDIDATE OR A
4 POLITICAL ISSUE.

5 (2) ~~(1)~~"Award" means a plaque, trophy, certificate, bust,
6 ceremonial gavel, or memento.

7 (3) ~~(2)~~"Ballot question" means a question that is submitted
8 or is intended to be submitted to a popular vote at an election

1 whether or not it qualifies for the ballot.

2 (4) ~~(3)~~—"Ballot question committee" means a committee acting
3 in support of, or in opposition to, the qualification, passage, or
4 defeat of a ballot question but that does not receive contributions
5 or make expenditures or contributions for the purpose of
6 influencing or attempting to influence the action of the voters for
7 or against the nomination or election of a candidate.

8 (5) ~~(4)~~—"Bundle" means for a bundling committee to deliver 1
9 or more contributions from individuals to the candidate committee
10 of a candidate for statewide elective office, without the money
11 becoming money of the bundling committee.

12 (6) ~~(5)~~—"Bundling committee" means an independent committee or
13 political committee that makes an expenditure to solicit or collect
14 from individuals contributions that are to be part of a bundled
15 contribution, which expenditure is required to be reported as an
16 in-kind expenditure for a candidate for statewide elective office.

17 (7) ~~(6)~~—"Business" means a corporation, limited liability
18 company, partnership, sole proprietorship, firm, enterprise,
19 franchise, association, organization, self-employed individual,
20 holding company, joint stock company, receivership, trust,
21 activity, or entity that is organized for profit or nonprofit
22 purposes.

23 Sec. 5. (1) "Domestic dependent sovereign" means an Indian
24 tribe that has been acknowledged, recognized, restored, or
25 reaffirmed as an Indian tribe by the secretary of the interior
26 pursuant to ~~chapter 576, 48 Stat. 984, 25 U.S.C. USC 461 to 463,~~
27 ~~464 to 465, 466 to 470, 471 to 472, 473, 474 to 475, 476 to 478,~~

1 ~~and~~ 479, commonly referred to as the Indian reorganization act, or
2 has otherwise been acknowledged by the United States government as
3 an Indian tribe.

4 (2) "DO-NOT-CALL LIST" MEANS A DO-NOT-CALL LIST OF INDIVIDUALS
5 DESIGNATED BY THE PUBLIC SERVICE COMMISSION CONCERNING AUTOMATED
6 TELEPHONIC COMMUNICATIONS.

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

11 (4) ~~(3)~~ "Election cycle" means 1 of the following:

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

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

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

1 school board member in a school district that has a pupil
2 membership of 2,400 or less, if a candidate committee of a
3 candidate for the office of school board member in that school
4 district receives an amount in excess of \$1,000.00 or expends an
5 amount in excess of \$1,000.00. Elective office does not include a
6 federal office except for the purposes of section 57.

7 Sec. 11. (1) "Payroll deduction plan" means any system in
8 which an employer deducts any amount of money from the wages,
9 earnings, or compensation of an employee.

10 (2) "Person" means a business, individual, proprietorship,
11 firm, partnership, joint venture, syndicate, business trust, labor
12 organization, company, corporation, association, committee, or any
13 other organization or group of persons acting jointly.

14 (3) "Political committee" means a committee that is not a
15 candidate committee, political party committee, independent
16 committee, or ballot question committee.

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

24 (5) "Political party" means a political party that has a right
25 under law to have the names of its candidates listed on the ballot
26 in a general election.

27 (6) "Political party committee" means a state central,

1 district, or county committee of a political party that is a
2 committee. Each state central committee shall designate the
3 official party county and district committees. There shall not be
4 more than 1 officially designated political party committee per
5 county and per congressional district.

6 (7) "POLITICAL SOLICITOR" MEANS A PERSON WHO MAKES OR CAUSES
7 TO BE MADE AN AUTOMATED TELEPHONIC COMMUNICATION.

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

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

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

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

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

23 SEC. 48. (1) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE
24 AMENDATORY ACT THAT ADDED THIS SECTION, THE COMMISSION SHALL DO 1
25 OF THE FOLLOWING:

26 (A) ESTABLISH A STATE DO-NOT-CALL LIST CONCERNING AUTOMATED
27 TELEPHONIC COMMUNICATIONS. IF THE COMMISSION ESTABLISHES A STATE

1 DO-NOT-CALL LIST UNDER THIS SUBDIVISION, IT SHALL PUBLISH THAT LIST
2 QUARTERLY FOR USE BY POLITICAL SOLICITORS. THE COMMISSION MAY AT
3 ANY TIME CEASE TO MAINTAIN A LIST UNDER THIS SUBDIVISION AND MAKE A
4 DESIGNATION UNDER SUBDIVISION (B).

5 (B) INVESTIGATE ANY NATIONAL DO-NOT-CALL LISTS THEN IN
6 EXISTENCE AND AFTER CONSIDERATION OF EACH LIST'S ACCESSIBILITY TO
7 POLITICAL SOLICITORS, EASE AND COST OF REGISTRATION FOR INDIVIDUALS
8 SEEKING INCLUSION, AND THE LIST TRANSFER POLICIES OF THE LIST
9 KEEPER, DESIGNATE A LIST AS THE AUTHORIZED DO-NOT-CALL LIST. THE
10 COMMISSION MAY REVIEW AND MAKE A DIFFERENT DESIGNATION UNDER THIS
11 SUBDIVISION AT ANY TIME IF THE COMMISSION DETERMINES THAT AN
12 ALTERNATIVE DO-NOT-CALL LIST PROVIDES SUPERIOR ACCESSIBILITY TO
13 POLITICAL SOLICITORS AND EASE AND COST OF REGISTRATION FOR
14 INDIVIDUALS SEEKING INCLUSION OR IF THE ORGANIZATION MAINTAINING A
15 PREVIOUSLY DESIGNATED DO-NOT-CALL LIST ENGAGES IN ACTIVITIES THE
16 COMMISSION CONSIDERS CONTRARY TO THE PUBLIC INTEREST. THE
17 COMMISSION MAY AT ANY TIME DISCONTINUE A DESIGNATION UNDER THIS
18 SUBDIVISION AND ESTABLISH AND MAINTAIN A LIST UNDER SUBDIVISION
19 (A).

20 (2) IN DETERMINING WHETHER TO ESTABLISH OR DESIGNATE A DO-NOT-
21 CALL LIST UNDER SUBSECTION (1), OR IN DESIGNATING A DO-NOT-CALL
22 LIST UNDER SUBSECTION (1) (B), THE COMMISSION SHALL CONSIDER
23 COMMENTS FROM INDIVIDUALS, POLITICAL SOLICITORS, OR ANY OTHER
24 PERSON.

25 (3) BEGINNING 90 DAYS AFTER THE COMMISSION ESTABLISHES OR
26 DESIGNATES A DO-NOT-CALL LIST UNDER SUBSECTION (1), A POLITICAL
27 SOLICITOR SHALL NOT MAKE OR CAUSE TO BE MADE AN AUTOMATED

1 TELEPHONIC COMMUNICATION FROM WITHIN THIS STATE TO AN INDIVIDUAL
2 WHOSE NAME IS ON THE THEN-CURRENT VERSION OF THE DO-NOT-CALL LIST.

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

7 (5) IF THE COMMISSION ESTABLISHES AND MAINTAINS THE DO-NOT-
8 CALL LIST UNDER SUBSECTION (1), THE COMMISSION SHALL NOT SELL OR
9 TRANSFER THE DO-NOT-CALL LIST TO ANY PERSON FOR ANY PURPOSE
10 UNRELATED TO THIS SECTION.

11 (6) AS USED IN THIS SECTION, "COMMISSION" MEANS THE PUBLIC
12 SERVICE COMMISSION.