

# HOUSE BILL No. 4759

June 18, 2015, Introduced by Reps. Forlini and Webber and referred to the Committee on Elections.

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending section 47 (MCL 169.247), as amended by 2013 PA 252.

## 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), a billboard, placard,  
3 poster, pamphlet, or other printed matter having reference to an  
4 election, a candidate, or a ballot question, shall bear upon it  
5 the name and address of the person paying for the matter. Except  
6 as otherwise provided in this subsection and subject to  
7 subsections (3) and (4), if the printed matter relating to a  
8 candidate is an independent expenditure that is not authorized in  
9 writing by the candidate committee of that candidate, the printed  
10 matter shall contain the following disclaimer: "Not authorized by  
11 any candidate committee". An individual other than a candidate is

1 not subject to this subsection if the individual is acting  
2 independently and not acting as an agent for a candidate or any  
3 committee. This subsection does not apply to communications  
4 between a separate segregated fund established under section 55  
5 and individuals who can be solicited for contributions to that  
6 separate segregated fund under section 55.

7 (2) A radio or television paid advertisement having  
8 reference to an election, a candidate, or a ballot question shall  
9 identify the sponsoring person as required by the federal  
10 communications commission, shall bear the name of the person  
11 paying for the advertisement, and shall be in compliance with  
12 subsection (3) and with the following:

13 (a) If the radio or television paid advertisement relates to  
14 a candidate and is an independent expenditure, the advertisement  
15 shall contain the following disclaimer: "Not authorized by any  
16 candidate".

17 (b) If the radio or television paid advertisement relates to  
18 a candidate and is not an independent expenditure but is paid for  
19 by a person other than the candidate to which it is related, the  
20 advertisement shall contain the following disclaimer:

21 "Authorized by.....".  
22 (name of candidate or name of candidate committee)

23 (3) The size and placement of an identification or  
24 disclaimer required by this section shall be determined by rules  
25 promulgated by the secretary of state. The rules may exempt  
26 printed matter and certain other items such as campaign buttons

1 or balloons, the size of which makes it unreasonable to add an  
2 identification or disclaimer, from the identification or  
3 disclaimer required by this section.

4 (4) Except for a communication described in subsection (5)  
5 and except for a candidate committee's printed matter or radio or  
6 television paid advertisements, each identification or disclaimer  
7 required by this section shall also indicate that the printed  
8 matter or radio or television paid advertisement is paid for  
9 "with regulated funds". Printed matter or a radio or television  
10 paid advertisement that is not subject to this act shall not bear  
11 the statement required by this subsection.

12 (5) A communication otherwise entirely exempted from this  
13 act under section 6(2)(j) is subject only to the identification  
14 required by subsection (1), (2), or ~~(8)~~ (7) if that communication  
15 references a clearly identified candidate or ballot question  
16 ~~within 60 days before a general election or 30 days before a~~  
17 ~~primary~~ **AN** election in which the candidate or ballot question  
18 appears on a ballot and is targeted to the relevant electorate  
19 where the candidate or ballot question appears on the ballot by  
20 means of radio, television, mass mailing, or prerecorded  
21 telephone message.

22 (6) A person who knowingly violates this section is guilty  
23 of a misdemeanor punishable by a fine of not more than \$1,000.00,  
24 or imprisonment for not more than 93 days, or both.

25 ~~—— (7) As used in this section, "mass mailing" means a mailing~~  
26 ~~by United States mail or facsimile of more than 500 pieces of~~  
27 ~~mail matter of an identical or substantially similar nature~~

1 ~~within any 30-day period.~~

2       (7) ~~(8)~~—A prerecorded telephone message that in express  
3 terms advocates the election or defeat of a clearly identified  
4 candidate, or the qualification, passage, or defeat of a ballot  
5 question, shall contain the name and telephone number, address,  
6 or other contact information of the person paying for the  
7 prerecorded telephone message, and shall be in compliance with  
8 subsection (4).

9       (8) AS USED IN THIS SECTION, "MASS MAILING" MEANS A MAILING  
10 BY UNITED STATES MAIL OR FACSIMILE OF MORE THAN 500 PIECES OF  
11 MAIL MATTER OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE  
12 WITHIN ANY 30-DAY PERIOD.

13       Enacting section 1. This amendatory act takes effect 90 days  
14 after the date it is enacted into law.