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## CLEAN CAMPAIGN ACT OF 1993

House Bill 5215

Sponsor: Rep. Karen Willard

Committee: House Oversight & Ethics

Complete to 1-21-94

### A SUMMARY OF HOUSE BILL 5215 AS INTRODUCED 11-18-93

The bill would create the Michigan Clean Campaign Act of 1993 (within the Michigan Campaign Finance Act, MCL 169.248 and 169.248a), which would:

-- Require that a committee paying for an advertisement that refers to a candidate or ballot question file an affidavit saying that the information in the advertisement is true.

-- Require that in a radio or television advertisement of a candidate who gets money from the state campaign fund (for gubernatorial candidates only), any reference, direct or indirect, to another candidate for governor be made directly (and, for television, directly on camera) by the candidate himself or herself.

-- Create a voluntary "code of fair campaign practices" to which a candidate could subscribe. In doing so, a candidate would promise to follow "the basic principles of decency, honesty, and fair play in order to encourage healthy competition and open discussion of the issues or candidate qualifications and discourage practices that cloud the issues or unfairly attack opponents."

**Affidavits for Advertisements.** The bill would require that a candidate committee, independent committee, political committee, political party committee, or ballot question committee that paid for a radio, television, or print advertisement that referred, directly or indirectly, to a candidate or ballot question prepare an affidavit relating to the advertisement and file it at the same time and in the same manner as a campaign statement of the committee. The affidavit would have to contain a statement that, to the best knowledge of the person signing the affidavit, the information in the advertisement was true and correct. (The person signing the affidavit would be the candidate for a candidate committee, the party chair for a political party committee, and the treasurer for other kinds of committees. A committee could designate, instead of the treasurer, another person with responsibilities for record keeping, report preparation, or report filing.) A copy of the affidavit would be delivered to the radio station, television station, or publisher at the time the committee paid for the advertisement. Failure to file the affidavit would subject the person responsible to a civil fine of not more than \$1,000. Knowingly signing a false affidavit would be a misdemeanor, punishable by a fine of not more than \$1,000, or imprisonment for not more than 90 days, or both.

**State Campaign Fund Candidates.** Under the bill, if a candidate received funds from the state campaign fund and the candidate committee paid for a radio or television advertisement that referred directly or indirectly to another candidate for governor, that

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reference would have to be made directly (and, for television ads, on camera) by the candidate whose committee was paying for the advertisement. A candidate who violated this provision would have to return the cost of the advertisement to the state campaign fund. A media consultant who produced an advertisement in violation of this provision (or an ad that was false) would be subject to a civil fine of not more than \$1,000. A media consultant that caused an advertisement to be broadcast or published in violation of the provision (or an ad that was false) would be subject to a civil fine of \$1,000 for each broadcast or publication of the advertisement.

**Code of Fair Campaign Practices.** The bill would require the secretary of state's office to have copies of the code of fair campaign practices printed and made available to county clerks at their request. The actual form of the code would be specified in the bill. When a candidate committee filed its statement of organization, the filing official would give the committee a blank form of the code and a copy of the provisions of this bill. The filing official would inform the committee that subscription to the code was voluntary. The secretary of state and county clerks would accept a completed copy of the code at all times before an election and retain it for public inspection for 30 days after the election. The copy would be a public record subject to the Freedom of Information Act. A candidate who had filed a copy of the code could so indicate on any campaign literature or advertisement in a form to be approved by the secretary of state.

**Text of the Code.** "There are basic principles of decency, honesty, and fair play that every candidate for public office in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

Therefore:

(1) I will conduct my campaign openly and publicly, and limit attacks on my opponent to legitimate challenges to his or her record.

(2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on a candidate or his or her personal or family life.

(3) I will not use or permit an appeal to negative prejudice based on race, sex, sexual orientation, religion, or national origin.

(4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, and I will not use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.

(5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections or that hampers or prevents the full and free expression of the will of the voters.

(6) I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

(7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I will take firm action against a subordinate who violates this code or the laws governing elections."