



HOUSE BILL No. 5215

November 18, 1993, Introduced by Rep. Willard and referred to the Committee on House Oversight and Ethics.

A bill to amend Act No. 388 of the Public Acts of 1976,
entitled
"Michigan campaign finance act,"
as amended, being sections 169.201 to 169.282 of the Michigan
Compiled Laws, by adding sections 48 and 48a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 388 of the Public Acts of 1976, as
2 amended, being sections 169.201 to 169.282 of the Michigan
3 Compiled Laws, is amended by adding sections 48 and 48a to read
4 as follows:

5 SEC. 48. (1) THIS SECTION AND SECTION 48A SHALL BE KNOWN
6 AND MAY BE CITED AS THE "MICHIGAN CLEAN CAMPAIGN ACT OF 1993".

7 (2) A CANDIDATE, INDEPENDENT, POLITICAL, POLITICAL PARTY, OR
8 BALLOT QUESTION COMMITTEE THAT PAYS FOR A RADIO, TELEVISION, OR
9 PRINT ADVERTISEMENT THAT REFERS, DIRECTLY OR INDIRECTLY, TO A

1 CANDIDATE OR BALLOT QUESTION SHALL PREPARE AN AFFIDAVIT RELATING
2 TO THAT ADVERTISEMENT AND FILE THE AFFIDAVIT AT THE SAME TIME AND
3 IN THE SAME MANNER AS A CAMPAIGN STATEMENT OF THAT COMMITTEE.
4 THE AFFIDAVIT SHALL CONTAIN A STATEMENT THAT, TO THE BEST KNOWL-
5 EDGE OF THE PERSON SIGNING THE AFFIDAVIT, THE INFORMATION IN THE
6 ADVERTISEMENT IS TRUE AND CORRECT. THE AFFIDAVIT SHALL BE SIGNED
7 BY THE CANDIDATE OF A CANDIDATE COMMITTEE, THE CHAIRPERSON OF A
8 POLITICAL PARTY COMMITTEE, OR THE TREASURER OR OTHER INDIVIDUAL
9 DESIGNATED AS RESPONSIBLE FOR THE RECORD KEEPING, REPORT PREPARA-
10 TION, OR REPORT FILING OF AN INDEPENDENT COMMITTEE, POLITICAL
11 COMMITTEE, OR BALLOT QUESTION COMMITTEE. A COPY OF THE AFFIDAVIT
12 SHALL BE DELIVERED TO THE RADIO STATION, TELEVISION STATION, OR
13 PUBLISHER AT THE TIME THE COMMITTEE PAYS FOR THE ADVERTISEMENT.
14 A CANDIDATE, TREASURER, OR OTHER INDIVIDUAL DESIGNATED AS RESPON-
15 SIBLE FOR THE RECORD KEEPING, REPORT PREPARATION, OR REPORT
16 FILING FOR A COMMITTEE WHO FAILS TO FILE OR DELIVER AN AFFIDAVIT
17 REQUIRED UNDER THIS SUBSECTION IS SUBJECT TO A CIVIL FINE OF NOT
18 MORE THAN \$1,000.00. A PERSON WHO KNOWINGLY SIGNS A FALSE AFFI-
19 DAVIT THAT IS REQUIRED UNDER THIS SUBSECTION IS GUILTY OF A MIS-
20 DEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00, OR
21 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

22 (3) IF A CANDIDATE COMMITTEE OF A CANDIDATE WHO RECEIVES
23 FUNDS FROM THE STATE CAMPAIGN FUND PAYS FOR A RADIO ADVERTISEMENT
24 THAT REFERS, DIRECTLY OR INDIRECTLY, TO ANOTHER CANDIDATE FOR
25 GOVERNOR, THAT REFERENCE SHALL BE MADE DIRECTLY BY THE CANDIDATE
26 WHO RECEIVES FUNDS FROM THE STATE CAMPAIGN FUND. IF A CANDIDATE
27 COMMITTEE OF A CANDIDATE WHO RECEIVES FUNDS FROM THE STATE

1 CAMPAIGN FUND PAYS FOR A TELEVISION ADVERTISEMENT THAT REFERS,
2 DIRECTLY OR INDIRECTLY, TO ANOTHER CANDIDATE FOR GOVERNOR, THAT
3 REFERENCE SHALL BE MADE DIRECTLY ON CAMERA BY THE CANDIDATE WHO
4 RECEIVES FUNDS FROM THE STATE CAMPAIGN FUND. A CANDIDATE WHO
5 RECEIVES FUNDS FROM THE STATE CAMPAIGN FUND WHO VIOLATES THIS
6 SECTION SHALL RETURN TO THE STATE CAMPAIGN FUND THE AMOUNT
7 ATTRIBUTABLE TO THE COSTS OF THE ADVERTISEMENT THAT DOES NOT
8 COMPLY WITH THIS SUBSECTION.

9 (4) A MEDIA CONSULTANT THAT PRODUCES AN ADVERTISEMENT FOR A
10 COMMITTEE THAT IS FALSE OR VIOLATES SUBSECTION (3) IS SUBJECT TO
11 A CIVIL FINE OF NOT MORE THAN \$1,000.00. A MEDIA CONSULTANT THAT
12 CAUSES THE BROADCAST OR PUBLICATION OF AN ADVERTISEMENT FOR A
13 COMMITTEE THAT IS FALSE OR VIOLATES SUBSECTION (3) IS SUBJECT TO
14 A CIVIL FINE OF NOT MORE THAN \$1,000.00 FOR EACH BROADCAST OR
15 PUBLICATION OF THAT ADVERTISEMENT.

16 (5) THIS SECTION DOES NOT PROHIBIT AN ACTION TO RECOVER DAM-
17 AGES FOR CONDUCT PROSCRIBED UNDER THIS SECTION UNDER ANY OTHER
18 APPLICABLE LAW.

19 SEC. 48A. (1) A CANDIDATE MAY SUBSCRIBE TO THE CODE OF FAIR
20 CAMPAIGN PRACTICES PRESCRIBED IN SUBSECTION (2). A CANDIDATE WHO
21 SUBSCRIBES TO THE CODE OF FAIR CAMPAIGN PRACTICES SHALL FOLLOW
22 THE BASIC PRINCIPLES OF DECENCY, HONESTY, AND FAIR PLAY IN ORDER
23 TO ENCOURAGE HEALTHY COMPETITION AND OPEN DISCUSSION OF THE
24 ISSUES OR CANDIDATE QUALIFICATIONS AND DISCOURAGE PRACTICES THAT
25 CLOUD THE ISSUES OR UNFAIRLY ATTACK OPPONENTS.

26 (2) AT THE TIME A CANDIDATE COMMITTEE FILES ITS STATEMENT OF
27 ORGANIZATION, THE FILING OFFICIAL SHALL GIVE THE CANDIDATE

1 COMMITTEE A BLANK FORM OF THE CODE OF FAIR CAMPAIGN PRACTICES AND
2 A COPY OF THE PROVISIONS OF THIS SECTION. THE FILING OFFICIAL
3 SHALL INFORM EACH CANDIDATE COMMITTEE THAT SUBSCRIPTION TO THE
4 CODE IS VOLUNTARY. THE TEXT OF THE CODE IS AS FOLLOWS:

5 "CODE OF FAIR CAMPAIGN PRACTICES

6 THERE ARE BASIC PRINCIPLES OF DECENCY, HONESTY, AND FAIR
7 PLAY THAT EVERY CANDIDATE FOR PUBLIC OFFICE IN THIS STATE HAS A
8 MORAL OBLIGATION TO OBSERVE AND UPHOLD, IN ORDER THAT, AFTER VIG-
9 OROUSLY CONTESTED BUT FAIRLY CONDUCTED CAMPAIGNS, OUR CITIZENS
10 MAY EXERCISE THEIR CONSTITUTIONAL RIGHT TO A FREE AND UNTRAMMELED
11 CHOICE AND THE WILL OF THE PEOPLE MAY BE FULLY AND CLEARLY
12 EXPRESSED ON THE ISSUES.

13 THEREFORE:

14 (1) I WILL CONDUCT MY CAMPAIGN OPENLY AND PUBLICLY, AND
15 LIMIT ATTACKS ON MY OPPONENT TO LEGITIMATE CHALLENGES TO HIS OR
16 HER RECORD.

17 (2) I WILL NOT USE OR PERMIT THE USE OF CHARACTER DEFAMA-
18 TION, WHISPERING CAMPAIGNS, LIBEL, SLANDER, OR SCURRILOUS ATTACKS
19 ON A CANDIDATE OR HIS OR HER PERSONAL OR FAMILY LIFE.

20 (3) I WILL NOT USE OR PERMIT AN APPEAL TO NEGATIVE PREJUDICE
21 BASED ON RACE, SEX, SEXUAL ORIENTATION, RELIGION, OR NATIONAL
22 ORIGIN.

23 (4) I WILL NOT USE CAMPAIGN MATERIAL OF ANY SORT THAT MIS-
24 REPRESENTS, DISTORTS, OR OTHERWISE FALSIFIES THE FACTS, AND I
25 WILL NOT USE MALICIOUS OR UNFOUNDED ACCUSATIONS THAT AIM AT

1 CREATING OR EXPLOITING DOUBTS, WITHOUT JUSTIFICATION, AS TO THE
2 PERSONAL INTEGRITY OR PATRIOTISM OF MY OPPONENT.

3 (5) I WILL NOT UNDERTAKE OR CONDONE ANY DISHONEST OR UNETHI-
4 CAL PRACTICE THAT TENDS TO CORRUPT OR UNDERMINE OUR AMERICAN
5 SYSTEM OF FREE ELECTIONS OR THAT HAMPERS OR PREVENTS THE FULL AND
6 FREE EXPRESSION OF THE WILL OF THE VOTERS.

7 (6) I WILL DEFEND AND UPHOLD THE RIGHT OF EVERY QUALIFIED
8 AMERICAN VOTER TO FULL AND EQUAL PARTICIPATION IN THE ELECTORAL
9 PROCESS.

10 (7) I WILL IMMEDIATELY AND PUBLICLY REPUDIATE METHODS AND
11 TACTICS THAT MAY COME FROM OTHERS THAT I HAVE PLEDGED NOT TO USE
12 OR CONDONE. I WILL TAKE FIRM ACTION AGAINST A SUBORDINATE WHO
13 VIOLATES THIS CODE OR THE LAWS GOVERNING ELECTIONS.

14 I, THE UNDERSIGNED, CANDIDATE FOR ELECTION TO PUBLIC OFFICE
15 IN THIS STATE, DO VOLUNTARILY ENDORSE, SUBSCRIBE TO, AND SOLEMNLY
16 PLEDGE MYSELF TO CONDUCT MY CAMPAIGN PURSUANT TO THE ABOVE PRIN-
17 CIPLES AND PRACTICES.

18
19

DATE

SIGNATURE"

20 (3) THE SECRETARY OF STATE SHALL PRINT, OR CAUSE TO BE
21 PRINTED, COPIES OF THE CODE OF FAIR CAMPAIGN PRACTICES. THE SEC-
22 RETARY OF STATE SHALL SUPPLY THE FORMS TO THE COUNTY CLERKS IN
23 QUANTITIES AND AT TIMES REQUESTED BY THE CLERKS.

24 (4) THE SECRETARY OF STATE AND THE COUNTY CLERKS SHALL
25 ACCEPT, AT ALL TIMES BEFORE AN ELECTION, A COMPLETED COPY OF THE
26 CODE OF FAIR CAMPAIGN PRACTICES THAT IS PROPERLY SUBSCRIBED TO BY

1 A CANDIDATE AND SHALL RETAIN THEM FOR PUBLIC INSPECTION UNTIL 30
2 DAYS AFTER THE ELECTION.

3 (5) A COPY OF THE CODE OF FAIR CAMPAIGN PRACTICES SUBSCRIBED
4 TO BY A CANDIDATE AND FILED PURSUANT TO THIS SECTION IS A PUBLIC
5 RECORD SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION
6 ACT, ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS
7 15.231 TO 15.246 OF THE MICHIGAN COMPILED LAWS.

8 (6) A CANDIDATE WHO HAS FILED A COPY OF THE CODE OF FAIR
9 CAMPAIGN PRACTICES MAY SO INDICATE ON ANY CAMPAIGN LITERATURE OR
10 ADVERTISING IN A FORM TO BE DETERMINED BY THE SECRETARY OF
11 STATE. A CANDIDATE WHO HAS FILED A COPY OF THE CODE OF FAIR CAM-
12 PAIGN PRACTICES MAY INDICATE ON ANY CAMPAIGN LITERATURE OR ADVER-
13 TISING THAT HIS OR HER OPPONENT HAS NOT FILED A COPY OF THE CODE
14 OF FAIR CAMPAIGN PRACTICES IN A FORM TO BE DETERMINED BY THE SEC-
15 RETARY OF STATE.