

SENATE BILL No. 1242

November 29, 2018, Introduced by Senator KOWALL and referred to the Committee on Elections and Government Reform.

A bill to amend 1976 PA 388, entitled
"Michigan campaign finance act,"
by amending section 6 (MCL 169.206), as amended by 2017 PA 119.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) "Expenditure" means a payment, donation, loan, or
2 promise of payment of money or anything of ascertainable monetary
3 value for goods, materials, services, or facilities in assistance
4 of, or in opposition to, the nomination or election of a candidate,
5 the qualification, passage, or defeat of a ballot question, or the
6 qualification of a new political party. Expenditure includes, but
7 is not limited to, any of the following:

8 (a) A contribution or a transfer of anything of ascertainable
9 monetary value for purposes of influencing the nomination or
10 election of a candidate, the qualification, passage, or defeat of a

1 ballot question, or the qualification of a new political party.

2 (b) Except as provided in subsection (2)(f) or (g), an
3 expenditure for voter registration or get-out-the-vote activities
4 made by a person who sponsors or finances the activity or who is
5 identified by name with the activity.

6 (c) Except as provided in subsection (2)(f) or (g), an
7 expenditure made for poll watchers, challengers, distribution of
8 election day literature, canvassing of voters to get out the vote,
9 or transporting voters to the polls.

10 (d) Except as provided in subsection (2)(c), the cost of
11 establishing and administering a payroll deduction plan to collect
12 and deliver a contribution to a committee.

13 (2) Expenditure does not include any of the following:

14 (a) An expenditure for communication by a person with the
15 person's paid members or shareholders and those individuals who can
16 be solicited for contributions to a separate segregated fund under
17 section 55.

18 (b) An expenditure for communication on a subject or issue if
19 the communication does not support or oppose a ballot question or
20 candidate by name or clear inference.

21 (c) An expenditure for the establishment or administration of,
22 or solicitation, collection, or transfer of contributions to, a
23 separate segregated fund if that expenditure was made by a
24 connected organization of that separate segregated fund as
25 authorized under section 55.

26 (d) An expenditure by a broadcasting station, newspaper,
27 magazine, or other periodical or publication for a news story,

1 commentary, or editorial in support of or opposition to a candidate
2 for elective office or a ballot question in the regular course of
3 publication or broadcasting.

4 (e) An offer or tender of an expenditure if expressly and
5 unconditionally rejected or returned.

6 (f) An expenditure for nonpartisan voter registration or
7 nonpartisan get-out-the-vote activities made by an organization
8 that is exempt from federal income tax under section 501(c)(3) of
9 the internal revenue code, 26 USC 501, or any successor statute.

10 (g) An expenditure for nonpartisan voter registration or
11 nonpartisan get-out-the-vote activities performed under chapter
12 XXIII of the Michigan election law, 1954 PA 116, MCL 168.491 to
13 ~~168.524~~, **168.523A**, by the secretary of state and other registration
14 officials who are identified by name with the activity.

15 (h) An expenditure by a state central committee of a political
16 party or a person controlled by a state central committee of a
17 political party for the construction, purchase, or renovation of 1
18 or more office facilities in Ingham County if the facility is not
19 constructed, purchased, or renovated for the purpose of influencing
20 the election of a candidate in a particular election. Items
21 excluded from the definition of expenditure under this subdivision
22 include expenditures approved in Federal Election Commission
23 advisory opinions 1993-9, 2001-1, and 2001-12 as allowable
24 expenditures under the federal election campaign act of 1971, 52
25 USC 30101 to 30146, and regulations promulgated under that act,
26 regardless of whether those advisory opinions have been superseded.

27 (i) Except only for the purposes of section 57, an expenditure

1 to or for a federal candidate or a federal committee.

2 (j) Except only for the purposes of section 47, an expenditure
3 for a communication if the communication does not in express terms
4 advocate the election or defeat of a clearly identified candidate
5 so as to restrict the application of this act to communications
6 containing express words of advocacy of election or defeat, such as
7 "vote for", "elect", "support", "cast your ballot for", "Smith for
8 governor", "vote against", "defeat", or "reject".

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No._1238

11 of the 99th Legislature is enacted into law.