

BUCKLE UP, BUTTERCUP!

It's Political Advertising Season

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THE BASICS



Which body of law applies?

- The body of applicable law depends on who the candidate is and what office are they running for:
 - State offices → State law applies
 - Federal offices (Senator, U.S. House of Representatives) → Federal law applies

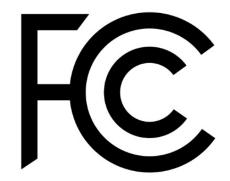


Regulatory Bodies















Who Could be Liable for a Bad Ad?

- Anyone from an advertising agency to a website designer may be responsible for advertising!
 Newspapers included! All you have to do is participate in the preparation or distribution of the advertising OR know about a deceptive claim
- Therefore, you must:
 - o Review the information used to support ad claims
 - Not rely on the advertiser's assurance that the claims are true without some level of review



What Can You Do if You Don't Want to Run an Ad?

- Newspapers are generally considered private enterprises, therefore they are not legally obligated to sell advertising to all
- However, you must treat all would be advertisers equally, MCLS §
 600. 2534: a newspaper that accepts for publication a legal or public
 notice as provided by law shall not charge higher rates for political
 notices or political advertising than it charges for commercial advertising
 of the same or similar size
- You can deny but you can't differentiate





DISCLAIMERS



State Required Disclaimers

- Identification: Name and Address unless not on behalf of the candidate or committee
- **Not Authorized**: Required if paid for by another registered committee or an unregistered committee without candidate authorization
- Regulated Funds:
 - Not required if placed by the candidate or committee
 - Not required if placed by an individual (independent expenditure)
 - Required of about a candidate but is paid for by a registered committee
 - Required for a ballot item placed by the ballot committee

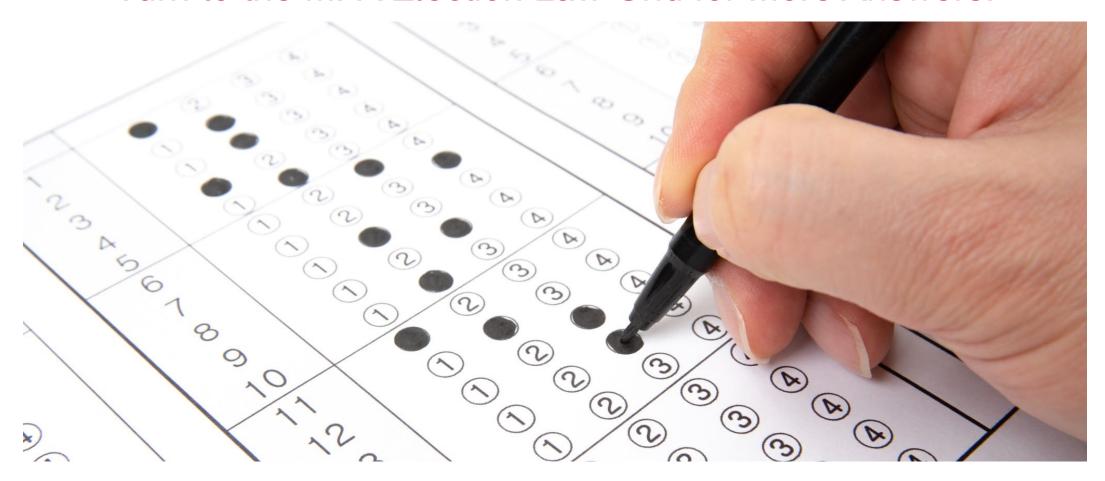


Federally Required Disclaimers

- *Identification*: Name and Address and Phone Number or Website if not authorized by a candidate, candidate's committee, or agents
- Authorized: Required if paid for by another person but authorized by a candidate, candidate's committee, or agents
- Endorsements: if the ad contains an endorsement the FTC says the endorsement must reflect the honest opinions, findings, beliefs, or experience of the endorser. Furthermore, an endorsement may not convey any express or implied representation that would be deceptive if made directly by the advertiser



Turn to the MPA Election Law Grid for More Answers!







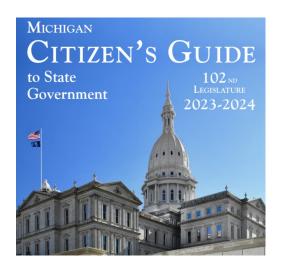
MICHIGAN'S NEW AI LAW



Michigan Passes Al Campaign Advertising Law

Sec. 59. (1) If a person, committee, or other entity creates, publishes, or originally distributes a qualified political advertisement, the qualified political advertisement must include, in a clear and conspicuous manner, a statement that meets all of the following requirements, as applicable:

- (a) State that the qualified political advertisement was generated in whole or in part by artificial intelligence.
- (b) If the qualified political advertisement is a text or graphic communication, appear in letters at least as large as the majority of the text in the communication.





HB 5141 (Rep. Penelope Tsernoglou) Campaign finance: advertising; using artificial intelligence in certain political advertisements; require disclosure.

HB 5142 (Rep. Ranjeev Puri) Criminal procedure: sentencing guidelines; sentencing guidelines for campaign finance violations; modify.

HB 5143 (Rep. Matt Bierlein) Campaign finance: other; artificial intelligence; define.

HB 5144 (Rep. Penelope Tsernoglou) Elections: offenses; penalties for distributing materially deceptive media; provide for, and provide procedure for enjoining materially deceptive media.

HB 5145 (Rep. Noah Arbit) Criminal procedure: sentencing guidelines; sentencing guidelines for certain election law offenses involving materially deceptive media; provide for.



Under the New Al Law

- You will need to ask all advertisers (*or advertisers in the area the law covers – like political advertising) if they used GenAl to create their copy
 - Note: The Legislature *REALLY* needs to define GenAl, because (technically) spell check applies artificial intelligence and might have to be disclosed
- You will want to consider assuring you have good indemnification provisions that call out the use of artificial intelligence
- You will want to have an internal Al advertising policy that you provide to your advertisers







QUESTIONABLE ADVERTISING – OR – CAN YOU TELL IT'S A PRESIDENTIAL ELECTION CYCLE?



Categories Critical to Election Advertisements – Disinformation, False Information and Misrepresentation

- Definition: advertising making, publishing, or disseminating any advertisement or statement that contains untrue, deceptive, or misleading assertions regarding a product or service
- Example:
 - A candidate lying about former employment experiences
 - A candidate accusing an opponent of having a criminal record





Categories Critical to Election Advertisements - Misrepresentation of Source or Quality

 Definition: advertising representing goods or services as having sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have, or misrepresenting the source, sponsorship, approval, or certification of goods or services

Example:

- A candidate advertising a fictional sponsorship
- A campaign falsely claiming that an ad was approved or paid for by a certain organization







Categories Critical to Election Advertisements - Deceptive Advertising Practices

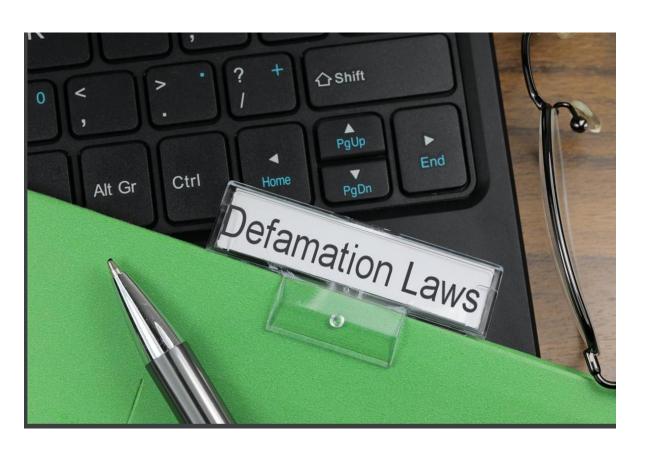
 Definition: advertising representing goods or services as having sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have, or misrepresenting the source, sponsorship, approval, or certification of goods or services

Examples:

- A political flyer from a candidate falsely declaring themselves to be the incumbent when they are not
- A candidate accusing an opponent of having been convicted of desertion during Military Service without any actual knowledge of the truth



Categories Critical to Election Advertisements - Defamation and Disparagement



- Definition: advertising that offends public policy or causes substantial injury to consumers or competition in the marketplace
- Example:
 - A candidate accuses their opponent of taking bribes
 - A candidate accuses their opponent of not paying their taxes



Categories Critical to Election Advertisements - Unfair Competition

 Definition: advertising including false designation of origin, false descriptions, and misrepresentations, as well as infringement of unregistered marks and false advertising

Examples:

- A candidate claiming to be someone they aren't
- A candidate using another candidates logo or slogan







DEFAMATION



What is Defamation?

- Definition: the publication of a false statement that injures a person's reputation, exposes them to public hatred, contempt, ridicule, shame, or disgrace, or adversely affects their trade or business
- Libel (written) v. Slander (spoken)
- Per Se: statements that are inherently defamatory
 - ex. accusations of a serious crime, a loathsome disease, or sexual impropriety, or where damages are presumed



What is Required for a Defamation Suit to Succeed?

- 1. The statement made was false, defamatory, and unprivileged
- 2. The statement concerned the Plaintiff
- 3. The statement was published to a 3rd party
- 4. The Plaintiff suffered injury or harm as a result of the statement



What Changes when the Parties are Public Figures?

- If a case involves a public figure or matters of public concern (such as political candidates or an election), the plaintiff must also prove "actual malice"
- Actual malice occurs when the defamatory statement was made with "knowledge of its falsity or with reckless disregard for the truth"
- Courts weigh the harm to the reputation of the balance against the protection of free speech as a whole





OTHER ISSUES



Are They an Incumbent?

- Treasurer of Committee to Elect Lostracco v. Fox: the MI Court of Appeals upheld an injunction against a candidate for misleading advertisements that falsely implied incumbency. The court found that the candidate's conduct violated MI law, and that the injunction did not violate free speech rights because knowing misrepresentations are not constitutionally protected
- Home-Owners Ins. Co. v. Thomas Lowe Ventures: the Michigan Circuit Court discussed the definition of "advertising" and affirm that incumbency designations in election campaign are considered advertising



Use of Public Funds

- The Michigan Campaign Finance Act forbids public officials from using public resources to support or oppose political candidates and ballot questions.
- Those resources range from the use of public dollars and personnel to usage of public facilities and stationery.
- The MCFA allows elected officials with policy making abilities, like a sheriff, to express their political views and take part in political demonstrations so long as public resources aren't used.



Michigan sheriff reportedly faces a state investigation over Trump's campaign event in Howell

Trump's stop at the Livingston County Sheriff's Office – complete with officers and sheriff's vehicles behind him – has led to a probe by the Michigan Bureau of Elections, according to local news outlets.



Campaigning In Uniform?





Michigan State Police issued an Official Order (02-50 on Member Political Activity):

Photographs of members in uniform and/or department vehicles shall not be used in campaign literature by members running for political office. This is not intended to discourage members from seeking political offices; however, literature containing such photographs could be misinterpreted as an endorsement of the individual by the department.

 There is a risk that there is a funding violation under the Michigan Campaign Finance Act depending on the practices of the department. A public body violates the MCFA by expending its resources for prohibited campaign activity. There is a small risk in this triggering a violation if the department paid for the photograph and paid for the uniforms.





TIPS AND TRICKS



Tips for Reviewing Ads

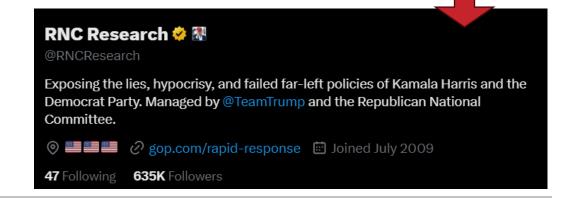
- Does the ad have the proper disclaimer?
 - o Paid for...
 - O Who is running the ad?
- Does it make any statements or assert facts?
 - o Sources?
 - o Proof?
- Does it imply something potentially defamatory about the candidate?
 - o Past criminal or sexual history?



But Watch Your Fact Checking

- If an ad provides you with a "fact check," does it pass the smell test?
- In a recent mailer, the campaign cites to a "research" account that is created and managed by the campaign
 - Citing to its own statements without any underlying proof







Fact Checking: If It's Not Gonna Happen...

The views and opinions expressed in this political advertisement are those of [ADVERTISER NAME] and do not reflect the views or positions of [PUBLICATION NAME]. [PUBLICATION NAME] has not fact checked any of the claims made and the advertisement may contain disputed claims or misinformation.





ACTUAL 2024 GEMS



Let's Start in Barry County...

AUG 6 PRIMARY ELECTION VOTE OUT DAR LEAF – STOP THE WASTE!

Focused on Politics NOT Crime

BELIEVES HE IS 'ABSOLUTE' LAW WITH 'SUPREMACY' OVER STATE & FEDERAL LAW

Wasting THOUSANDS On FAKE Vote-Tampering NO EVIDENCE & NO ACCOUNTABILITY!

Says He Decreased Crime
FOCUSED ON CONSPIRACIES NOT CRIME

Made Excuses For Plot to Kidnap Governor SUGGESTED IT WAS A CITIZEN'S ARREST

VOTE IN A QUALIFED SHERIFFWORKING FOR <u>ALL</u> OF US.

Like this ad? Support barrycountydems.com/donate or mail checks to PO Box 533, Hastings, MI 49058 - BarryCountyDems.com

Paid for with regulated funds by Barry County Democratic Party, PO Box 533 Hastings, MI 49058



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Is this true? Ask for supporting information or confirm accuracy.



There is nothing in this world more repugnant to Christianity than Cowardice. In fact, it is so repulsive to Christ that it is considered worthy of death. Not just physical death... but Spiritual death as well.

Cowardice gets you an express ticket to Hell, in which the Cowardly go first. Revelation 21:7-8 says, "He that overcometh shall inherit all things, and I will be his God and he shall be my Son. But the fearful and unbelievers, the abominable, and murderers, the whoremongers, the sorcerers, the idolaters, and all liars, shall have their part in the lake of fire, which is the second death."

What are you so afraid of? When are you going to stand up and face your fear? When are you going to stand up and push back against the forces of darkness? When will you stand up and Speak up? Judgment Day is coming. Everyone is going to Heaven, but not everyone is going to stay. Cowards get the vamoose first. The fearful lead the parade ahead of the abominable, murderers, homosexuals, sorcerers, idolaters, and all liars. The Great Judge of the Universe seems to have no mercy on the cowardly.

The Other Side

Sheriff Leaf has stood up for the Constitution he swore an Oath to. He is pro-life, and the list could go on and on, most of all he is a Man of God.

What really bothers me is that the Demoncrats do not like it when you expose this ungodly crap they push. We even have an individual running for sheriff who claims to be a Sodomite. Again, the Demoncrats are behind this, because God's Morals do not matter to these people. Well, it does to me, and it should to you, too. Sodom and Gomorrah were destroyed mainly because Homosexuality had run rampant in Society because they tolerated it. Not me. The backstabbing of many people in our community to those who do stand for Truth is sickening. We need to put Godly Morals and Principles back in this Society, i.e.: men of Integrity and men who Fear God.



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Do you REALLY want to run this?

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Working Together for a Stronger Barry County



Your Michigan State Representatives

Gina Johnsen



Rochelle Smit



Angela Rigas



Jon Smelker

David Hatfield

Your Barry County Commissioners

Bob Tuenessen



Mike Callton



Catherine Getty



Mark Doster



David Jackson





Bruce Campbell



Paid for out of the private funds from the above individuals.

More Barry County...



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Jon Smelker



David Hatfield



More Barry County...

Address... yes, for ALL of them



Going to the East Side

HOLY PARADE BATMAN!

Congressman John James voted to allow oil drilling in the Great Lakes, including Lake St. Clair!

John James voted against an amendment on January 27, 2023 Roll Call Vote Number 64 to prevent oil drilling in Lake St. Clair and the Great Lakes!

Going to the East Side

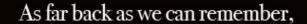
Holy Trademarks Batman!

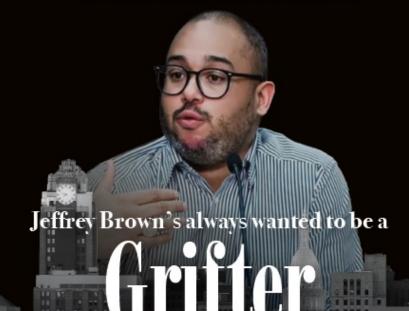
Ummm... who's running this ad??

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Lansing City Councilman Jeffrey Brown isn't a Goodfella.

Jeffrey Brown is a Grifter.

- Lansing City Council ordered Brown to take ethics training after he allegedly pressured developers and the Lansing Housing Commission to make rent payments for friends.
- Brown owed more than \$45,000 in unpaid wages to employees of the non-profit The Inspiration Center.
- Brown's 2015 bankruptcy revealed \$23,000 in unpaid taxes.
- While Brown stiffed workers and evaded taxes, he borrowed \$35,000 to buy a Cadillac. He wouldn't even make the payments. The car was repossessed and a local credit union sued him for \$20,000 he still owed.

For Jeffrey Brown, City Council isn't an opportunity to serve Lansing.

It's like a license to steal. It's a license to do anything.

Lansing deserves better.

Lansing, Reporting In!



As far back as we can remember,



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Lansing, Reporting In!

This is saying he's "Crime-ing" but even the bullets below don't necessarily support this proposition



Independence Township

IRRESPONSIBLE

PHONY PHYLE

BAD FOR INDEPENDENCE TOWNSHIP



WANTS THE TITLE, NOT THE JOB!



Says he's committed to putting residents first - PHONY

He was <u>yelling at a resident</u> that dared to question him at a public meeting.

-June 18, 2024 Independence Township Board Meeting

Says He Doesn't have anything to do with POT buisiness - PHONY

His <u>father owns pot business "Oakpharma"</u> in the same office with Chuck. Chuck is freinds with a former used car salesman that <u>refused to give up his pot licenses</u> and dropped out of the race.

- michigan.gov/lara

Says he has business expertise - PHONY

His <u>"business"</u> is <u>not in good</u> <u>standing</u> with the state.

- michigan.gov/lara

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"He wants to get elected and then have the board hire his job out to someone YOU didn't vote for and a non-resident!"

It gets even worse...

- Lies about other candidates.
- Already promising back door deals.
- Won't state what he does for a living.
- No proof he is responsible for any business success.
 - No record of him voting in the last election.

Chuck's Criminal Behavior

- Michigan State Police Incident Number: 62-1704-92 DRUNK DRIVING
- 51st District Court Waterford Case Number: 95955249SD DUI CONVICTION
- 51st District Court Waterford Case Number: 95955249SD VIOLATED PROBATI
- State Police Incident Number: 27-3763-03 ASSAULT & BATTERY
- Oakland County Sheriff Report Number: 240132249 ANIMAL CRUELTY

And a lifetime of never ending accidents, traffic & parking violations and lawsuits, including refusing a breathalyzer test

Independence Township

"Daddy Issues" aren't the candidate's responsibility

Wait, who owns this business?

To quote Inigo Montoya: "I do not think this means what you think it means"

IRRESPONSIBLE I

PHONY PHYLE

BAD FOR INDEPENDENCE TOWNSHIP



WANTS THE TITLE, NOT THE JOB!



JoseAliaga.com

Paid for by friends of Jose Aliaga, 6155 Cheshire Park Dr, Clarkston, MI 48346 Says he's committed to putting residents first - PHONY

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Fighting Gretchen Whitmer and the Democrats' Policy

Which Gives Illegal Aliens Welfare and \$500 in Taxpayer Funded Rent Assistance



Stopping Sanctuary Cities and Counties in Michigan



Preventing Attempts to Register Illegal Aliens to Vote

7650 Trumbower Trl., Millington, MI 48746



And From Millington



Fighting Gretchen Whitmer and the Democrats' Policy

Which Gives Illegal Aliens Welfare and \$500 in Taxpayer Funded Rent Assistance



Preventing Attempts to Register Illegal Aliens to Vote



Paid for by Friends of Phil Green 7650 Trumbower Trl., Millington, MI 48746

And From Millington

You have to register for political or religious asylum in the US to be eligible for this. Registering makes you "NOT ILLEGAL."
This is a bad set of talking points.

This has been WIDELY debunked, again, just talking points.





"How can you support Trump!?!"

"Trump is a grotesque human being, with no decency or moral standards!"

"I may hold my nose and vote for him, but no Catholic org should defend him..."

These are just a few of the emails I have received in recent days.

m not surprised

Some Catholic Vote members are divided over whether Trump deserves our support.

Nearly everyone agrees that voting for Biden is impossible. He's a senile and incompetent stooge of the woke Left, and an avowed enemy of everything we hold sacred as Catholics. Four more years of Biden would be catastrophic.

Yet many CV readers remain conflicted over Trump, given his well-known personal and policy flaws. Our critics include many friends and supporters.

And they deserve a response.

You may not agree with me. But it's simply not true that we are blindly supporting Trump, or that we are ignoring or even applauding his manifest flaws. We have never celebrated or excused his obvious shortcomings. Our enthusiastic support for him has always been in spite of his faults, not because of them

We will always be Catholic first.

But something much bigger is afoot. And we all know it.

Today we face a political movement that seeks to destroy our entire way of life.

2024 is no longer just about Trump.

2024 is also not just about Joe Biden. Or Republicans. Or Democrats. Neither was 2020 for that matter.

Following Trump's shocking victory in 2016, the progressive Left declared open war on our way of life. They were outraged because they had been expecting their permanent majority to arrive. After 8 years of Barack Obama, their long march through our institutions to transform America, and humanity itself, was well underway.

And then 2016 happened.

Don't believe me? Look around you.

What do you see?

Not too long ago, we at least pretended to esteem things like the Declaration of Independence, our National Anthem, our motto "In God We Trust," and our Judeo-Christian ethos. Not anymore. Americans today no longer respect and share anything resembling a common cultural beritage. Remember when Nike was scolded for having a Betsy Ross flag on their shoe? How about when Colin Kaepernick took a knee during the National Anthem?

Today nearly every major university faculty, mainstream media outlet, and large corporation believes that the entire foundation of the country is rotten to its core and must be replaced and remade. They think the entire country needs an extreme makeover, and not the kind offered on

Just a few months ago we were lectured that the time-honored claim that our "rights come from God" is the problem!

How easily we forget that our cities were looted and burned, only to be told these "peaceful protests" were legitimate and justified. Or that nearly half the country agreed that their fellow citizens should be fined, confined, or imprisoned for refusing COVID vaccinations. Yes, 48% of your fellow citizens believed jailing Americans for refusing an experimental vaccination was necessary.

Millions of illegal immigrants are now flooding our country. Dangerous criminals, terrorists, human traffickers, and suspicious migrants from places like China are flagrantly breaking our laws, and infiltrating our country every day, while decent hard-working Americans cannot afford to buy a house or raise a family.

And then people wonder why the younger generation is no longer getting married, having children, or going to church.

Traditional concepts of morality, family, marriage, children, religion, and even biology are now deemed offensive. We have the lowest birthrate in our nation's history. Our churches are closing by the thousands. Suicide rates, anxiety, depression, and loneliness are soaring.

Our children (and military) have been reduced to social experiments, with parades and drag queen pornographic shows promoting the chemical and surgical disfigurement of young children now subsidized by you and me.

Meanwhile, when they aren't calling for the genocide of the Jewish people, angry mobs on college campuses and elsewhere are tearing down our statues, and canceling their opponents, or jus-



tifying the use of the power of government to hunt down and punish their adversaries. Pro-tife protestor? Straight to jail.

And the latest?

It all started 17 months ago, when the Biden Department of Justice sent their third-highest ranked official to work at the office of New York City District Attorney Alvin Bragg in order to prosecute Joe Biden's political opponent on charges everyone knows would never have been brought elsewhere – in front of a judge who personally donated to Joe Biden and a "STOP REPUBLICANS" campaign effort, in direct violation of the law.

Now they plan to throw him in jail for a dispute over a paperwork violation — which rightly should only be considered a misdemeanor.

HERE'S THE KEY: the remaking of our country is not happening by accident.

The most radical and once unthinkable ideas, such as trans surgeries on 7-year-olds, anti-white racism, and the full weaponization of the government against your political opponents are no longer fringe ideas of the radical Left reserved to the teachers' lounges at Berkeley. They are the fully baked plans of our entire ruling class – and the proud platform of Joe Biden and his Democratic Party.

People need to wake up and realize that Ilhan Omar and AOC are not some outliers. The main stream Democratic Party holds these same opinions unanimously.

Donald Trump is not the problem.

They hate Trump because he is standing in the way of everything they are implementing and hoping to accomplish. For them to succeed, they are counting on feckless Beltway Republicans – as well as Christians panged with persistent guilt over obvious Trump flaws – to withhold support for him.

What's worse, they apply a standard to Trump (moral decency!), that they refuse to apply to themselves, luring many good people into thinking they have no choice but to stay silent... or apploagize for anything that resembles support for Trump – in essence, anything that resembles opposition to their dark agenda.

So where does this leave us?

It's simple: a vote for Joe Biden is a vote to destroy America.

A vote for Trump is a chance to hold back the coming catastrophe, build reinforcements, and reawaken in our people a desire to change course.

There's a reason millions of working-class voters are flocking to Trump. And it's not because they love or excuse his moral flaws. It's because they understand what far too many of our preening citizens and leaders refuse to acknowledge — they understand the stakes of this election. Perhaps a nuclear conflict or war with China would prompt fence-sitters to reconsider their doubts.

Or maybe a knock on the door from the FBI would provide some needed clarity.

It's not Trump using us.

It's us using Trump. Because we must.

Brian Burch

President - Catholic Vote

P.S. Maybe I persuaded some of our skeptics. Maybe not. Regardless, we are not slowing down. We've got an election to win. And a country to save.

And we definitely need your help to make it happen.

Not authorized by any candidate or candidate's committee. CATHOLICVOTE | PO Box 3310 | Carmel, IN 46082 | (317) 669-6127 Submitted and paid for by Gail Wadell, 5112 E. Maple Rapids Rd., Elsie, MI 38831

Editors Note: This article does not represent the views of this publication or its employees



The Primary Season's Most Interesting Ad

Some Catholic Vote members are divided over whether Trump deserves our support.

Nearly everyone agrees that voting for Biden is impossible. He's a senile and incompetent stooge of the woke Left, and an avowed enemy of everything we hold sacred as Catholics. Four more years of Biden would be catastrophic.

Today nearly every major university faculty, mainstream media outlet, and large corporation believes that the entire foundation of the country is rotten to its core and must be replaced and remade. They think the entire country needs an extreme makeover, and not the kind offered on HGTV...

Our children (and military) have been reduced to social experiments, with parades and drag queen pornographic shows promoting the chemical and surgical disfigurement of young children now subsidized by you and me.

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I Respect hopes for a Republican president and party. The United States needs a strong two-party system.

But Donald Trump cannot be in any way representative of a better world. He's a convicted felon. Go to New York City and talk to the carpenters, plumbers, workers he cheated out of their earnings; talk to the women he has demeaned and harassed; Look at the people he surrounds himself with, many who have gone to prison for bad acts. Look to his tweets. Even many Republicans find him beyond acceptable. Don't put your hopes in that man for the Republican Party.

I am not responding to the article DEAR CRITICS to talk about Donald Trump. I want to add some facts in response to the full page <u>Catholic.vote</u> discussion.

Opinions do not make facts, no matter how many times they are repeated or how large the page they are printed on. Let's start with the quote that President Biden is "the senile and incompetent stooge of the woke Left." Here is a partial list of his accomplishments he has made for American families:

- The American Rescue Act jumped started our economy during the pandemic.
- He delivered a Bipartisan Infrastructure Law rebuilding roads, bridges, public transportation and increased high speed internet.

A Response to the Most Interesting Ad

You need to do the verification, but here – these are actually based on factual statements when you dig. But ask the question, regardless of the party involved!





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