

January 28, 1998

SENATE BILL No. 168

DIGEST OF SB168 (Updated January 26, 1998 4:16 pm - DI 77)

Citations Affected: IC 3-9.

Synopsis: Campaign material disclaimer language. Includes language from federal regulations relating to the federal disclaimer law in Indiana's election disclaimer statute as follows: (1) Provides an exemption for campaign materials for which it is difficult to include the disclaimer language. (2) Provides an exemption for communications from a corporate political action committee soliciting contributions from stockholders, executives, or employees of the corporation. (3) Provides an exemption for communications from a political action committee organized by a labor organization soliciting contributions from members or executive personnel of the labor organization and direct mailings of 100 items or less. Creates standards for size, readability, and placement of disclaimers on materials. Specifies requirements for information that must be included in a disclaimer on certain materials. (The introduced version of this bill was prepared by the census data advisory committee.)

Effective: Upon passage.

**Landske, Skillman, Breaux,
Craycraft**

January 6, 1998, read first time and referred to Committee on Elections.
January 27, 1998, amended, reported favorably — Do Pass.

SB 168—LS 6408/DI 75



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January 28, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 168

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-9-3-2.5, AS ADDED BY P.L.3-1997, SECTION
2 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]: Sec. 2.5. (a) This section does not apply to any of the
4 following:
- 5 (1) A communication relating to an election to a federal office.
 - 6 (2) A communication relating to the outcome of a public question.
 - 7 (3) A communication in a medium regulated by federal law.
 - 8 **(4) Bumper stickers, pins, buttons, pens, and similar small**
9 **items upon which the disclaimer required by this section**
10 **cannot be conveniently printed.**
 - 11 **(5) Skywriting, water towers, wearing apparel, or other**
12 **means of displaying an advertisement of such a nature that**
13 **the inclusion of a disclaimer would be impracticable.**
 - 14 **(6) Checks, receipts, and similar items of minimal value that**
15 **do not contain a political message and are used for purely**
16 **administrative purposes.**
 - 17 **(7) A communication by a political action committee**

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1 organized and controlled by a corporation soliciting
 2 contributions to the political action committee by the
 3 stockholders, executives, or employees of the corporation and
 4 the families of those individuals.

5 (8) A communication by a political action committee
 6 organized and controlled by a labor organization soliciting
 7 contributions to the political action committee by the
 8 members or executive personnel of the labor organization and
 9 the families of those individuals.

10 (9) A direct mailing of one hundred (100) or less substantially
 11 similar pieces of mail.

12 (b) This section applies whenever a person:

13 (1) makes an expenditure for the purpose of financing
 14 communications expressly advocating the election or defeat of a
 15 clearly identified candidate; or

16 (2) solicits a contribution;

17 through a newspaper, a magazine, an outdoor advertising facility, a
 18 poster, a yard sign, a direct mailing, or any other type of general
 19 public political advertising.

20 (c) For purposes of this section, a candidate is clearly identified if
 21 any of the following apply:

22 (1) The name of the candidate involved appears.

23 (2) A photograph or drawing of the candidate appears.

24 (3) The identity of the candidate is apparent by unambiguous
 25 reference.

26 (d) A communication described in subsection (b) must contain a
 27 disclaimer that appears and is presented in a clear and conspicuous
 28 manner to give the reader or observer adequate notice of the
 29 identity of persons who paid for and, when required, who
 30 authorized the communication. A disclaimer does not comply with
 31 this section if the disclaimer is difficult to read or if the placement
 32 of the disclaimer is easily overlooked.

33 (e) A communication that would require a disclaimer if
 34 distributed separately must contain the required disclaimer if
 35 included in a package of materials.

36 (f) This subsection does not apply to a communication, such as
 37 a billboard, that contains only a front face. The disclaimer need not
 38 appear on the front or cover page of the communication if the
 39 disclaimer appears within the communication.

40 (g) Except as provided in subsection (h), a communication
 41 described in subsection (b) must satisfy one (1) of the following:

42 (1) If the communication is paid for and authorized by:

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1 (A) a candidate;
 2 (B) an authorized political committee of a candidate; or
 3 (C) the committee's agents;
 4 the communication must clearly state that the communication has
 5 been paid for by the authorized political committee.
 6 (2) If the communication is paid for by other persons but
 7 authorized by:
 8 (A) a candidate;
 9 (B) an authorized political committee of a candidate; or
 10 (C) the committee's agents;
 11 the communication must clearly state that the communication is
 12 paid for by the other persons and authorized by the authorized
 13 political committee.
 14 (3) If the communication is not authorized by:
 15 (A) a candidate;
 16 (B) an authorized political committee of a candidate; or
 17 (C) the committee's agents;
 18 the communication must clearly state the name of the person who
 19 paid for the communication and state that the communication is
 20 not authorized by any candidate or candidate's committee.
 21 **(4) If the communication is a solicitation directed to the**
 22 **general public on behalf of a political committee that is not a**
 23 **candidate's committee, the solicitation must clearly state the**
 24 **full name of the person who paid for the communication.**
 25 **(h) A communication by a regular party committee consisting**
 26 **of:**
 27 **(1) a printed slate card, a sample ballot, or other printed**
 28 **listing of three (3) or more candidates for public office at an**
 29 **election;**
 30 **(2) campaign materials such as handbills, brochures, posters,**
 31 **party tabloids or newsletters, and yard signs distributed by**
 32 **volunteers and used by the regular party committee in**
 33 **connection with volunteer activities on behalf of any nominee**
 34 **of the party; or**
 35 **(3) materials distributed by volunteers as part of the regular**
 36 **party's voter registration or get-out-the-vote efforts;**
 37 **must clearly state the name of the person who paid for the**
 38 **communication but is not required to state that the communication**
 39 **is authorized by any candidate or committee.**
 40 SECTION 2. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill 168, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 11, delete "by any person".

and when so amended that said bill do pass.

(Reference is to Senate Bill 168 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 7, Nays 0.

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