



February 17, 1999

SENATE BILL No. 480

DIGEST OF SB 480 (Updated February 15, 1999 1:41 pm - DI 101)

Citations Affected: IC 3-9; IC 3-14.

Synopsis: Disclosure of persuasion polls. Defines a persuasion poll to mean a telephone survey that: (1) includes more than 500 calls; (2) references a candidate or group of candidates in any election or caucus; and (3) is designed to provide negative information about a candidate or group of candidates or to influence the respondent to vote for or against a candidate or group of candidates. Prohibits a person from sponsoring, authorizing, conducting, or administering a persuasion poll unless the caller identifies at the end of the call the person sponsoring and authorizing the call. Requires that if a person sponsoring or authorizing a call is a candidate's committee, the caller must also identify the candidate's name and the office sought by the candidate. Requires that if a candidate's committee neither sponsors nor authorizes a call, the caller must state that the call is not authorized by any candidate or candidate's committee. Prohibits a person from stating or
(Continued next page)

Effective: July 1, 1999.

Skillman, Rogers

January 13, 1999, read first time and referred to Committee on Elections.
February 16, 1999, amended, reported favorably — Do Pass.

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Digest Continued

implying false or fictitious names or addresses when making the required disclosures. Provides that a person who violates these provisions commits a Class B misdemeanor. Provides that a candidate, candidate's committee, political party, or political action committee that sponsors a persuasion poll that violates these provisions is subject to a civil penalty of up to three times the amount expended in sponsoring the persuasion poll. Provides that a person who authorizes, conducts, or administers a persuasion poll that violates these provisions must pay a civil penalty of \$50 for each call in violation of the provisions, with such penalty not to exceed \$1000 plus any investigative costs incurred by the election division or a county election board.

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February 17, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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SENATE BILL No. 480

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 3-9-4-16 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) In addition to any other
3 penalty imposed, a person who does any of the following is subject to
4 a civil penalty under this section:
5 (1) Fails to file with the election division a report in the manner
6 required under IC 3-9-5.
7 (2) Fails to file a statement of organization required under
8 IC 3-9-1.
9 (3) Is a committee or a member of a committee who disburses or
10 expends money or other property for any political purpose before
11 the money or other property has passed through the hands of the
12 treasurer of the committee.
13 (4) Makes a contribution other than to a committee subject to this
14 article or to a person authorized by law or a committee to receive
15 contributions on the committee's behalf.

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- 1 (5) Is a corporation or labor organization that exceeds any of the
 2 limitations on contributions prescribed by IC 3-9-2-4.
 3 (6) Makes a contribution in the name of another person.
 4 (7) Accepts a contribution made by one (1) person in the name of
 5 another person.
 6 (8) Is not the treasurer of a committee subject to this article, and
 7 pays any expenses of an election or a caucus except as authorized
 8 by this article.
 9 (9) Commingles the funds of a committee with the personal funds
 10 of an officer, a member, or an associate of the committee.
 11 (10) Wrongfully uses campaign contributions in violation of
 12 IC 3-9-3-4.
 13 (11) Violates IC 3-9-2-12.
 14 **(12) Is a candidate, candidate's committee, political party, or**
 15 **political action committee, and sponsors a persuasion poll that**
 16 **does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6.**
 17 **(13) Authorizes, conducts, or administers a persuasion poll**
 18 **that does not comply with IC 3-9-8-4, IC 3-9-8-5, or**
 19 **IC 3-9-8-6.**
 20 (b) This subsection applies to a person who is subject to a civil
 21 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
 22 statement. If the commission determines that a person failed to file the
 23 amended report or statement of organization not later than noon five (5)
 24 days after being given notice under section 14 of this chapter, the
 25 commission may assess a civil penalty. The penalty is ten dollars (\$10)
 26 for each day the report is late after the expiration of the five (5) day
 27 period, not to exceed one hundred dollars (\$100) plus any investigative
 28 costs incurred and documented by the election division. The civil
 29 penalty limit under this subsection applies to each report separately.
 30 (c) This subsection applies to a person who is subject to a civil
 31 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
 32 statement. If the commission determines that a person failed to file the
 33 report or statement of organization by the deadline prescribed under
 34 this article, the commission shall assess a civil penalty. The penalty is
 35 fifty dollars (\$50) for each day the report or statement is late, with the
 36 afternoon of the final date for filing the report or statement being
 37 calculated as the first day. The civil penalty under this subsection may
 38 not exceed one thousand dollars (\$1,000) plus any investigative costs
 39 incurred and documented by the election division. The civil penalty
 40 limit under this subsection applies to each report separately.
 41 (d) This subsection applies to a person who is subject to a civil
 42 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or

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1 (a)(10). If the commission determines that a person is subject to a civil
 2 penalty under subsection (a), the commission may assess a civil penalty
 3 of not more than one thousand dollars (\$1,000), plus any investigative
 4 costs incurred and documented by the election division.

5 (e) This subsection applies to a person who is subject to a civil
 6 penalty under subsection (a)(5). If the commission determines that a
 7 person is subject to a civil penalty under subsection (a)(5), the
 8 commission may assess a civil penalty of not more than three (3) times
 9 the amount of the contribution in excess of the limit prescribed by
 10 IC 3-9-2-4, plus any investigative costs incurred and documented by
 11 the election division.

12 (f) This subsection applies to a person who is subject to a civil
 13 penalty under subsection (a)(11). If the commission determines that a
 14 candidate or the candidate's committee has violated IC 3-9-2-12, the
 15 commission shall assess a civil penalty equal to the greater of the
 16 following, plus any investigative costs incurred and documented by the
 17 election division:

- 18 (1) Two (2) times the amount of any contributions received.
- 19 (2) One thousand dollars (\$1,000).

20 **(g) This subsection applies to a candidate, candidate's**
 21 **committee, political party, or political action committee that is**
 22 **subject to a civil penalty under subsection (a)(12). If the**
 23 **commission determines that the candidate, candidate's committee,**
 24 **political party, or political action committee has sponsored a**
 25 **persuasion poll that included calls that did not comply with**
 26 **IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the commission may assess a**
 27 **civil penalty of up to three (3) times the amount expended by the**
 28 **candidate, candidate's committee, political party, or political action**
 29 **committee in sponsoring the poll, plus any investigative costs**
 30 **incurred and documented by the election division. If the**
 31 **commission determines that a civil penalty is warranted, the**
 32 **commission shall consider the following factors in determining the**
 33 **amount of the penalty:**

- 34 (1) the number of calls made in violation of IC 3-9-8-4,
 35 IC 3-9-8-5, or IC 3-9-8-6; and
- 36 (2) whether the calls in violation of IC 3-9-8-4, IC 3-9-8-5, or
 37 IC 3-9-8-6 were isolated events or part of a pattern of
 38 violations.

39 (h) This subsection applies to a person who is subject to a civil
 40 penalty under subsection (a)(13). If the commission determines that
 41 a person has violated IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the
 42 commission shall assess a civil penalty. The penalty is fifty dollars

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1 **(\$50) for each call that violates IC 3-9-8-4, IC 3-9-8-5, or**
 2 **IC 3-9-8-6. The civil penalty under this subsection may not exceed**
 3 **one thousand dollars (\$1,000) plus any investigative costs incurred**
 4 **and documented by the election division.**

5 ~~(g)~~ **(i)** All civil penalties collected under this section shall be
 6 deposited with the treasurer of state in the campaign finance
 7 enforcement account.

8 ~~(h)~~ **(j)** Proceedings of the commission under this section are subject
 9 to IC 4-21.5.

10 SECTION 2. IC 3-9-4-17 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) In addition to any other
 12 penalty imposed, a person who does any of the following is subject to
 13 a civil penalty under this section:

14 (1) Fails to file with a county election board a report in the
 15 manner required under IC 3-9-5.

16 (2) Fails to file a statement of organization required under
 17 IC 3-9-1.

18 (3) Is a committee or a member of a committee who disburses or
 19 expends money or other property for any political purpose before
 20 the money or other property has passed through the hands of the
 21 treasurer of the committee.

22 (4) Makes a contribution other than to a committee subject to this
 23 article or to a person authorized by law or a committee to receive
 24 contributions in the committee's behalf.

25 (5) Is a corporation or labor organization that exceeds any of the
 26 limitations on contributions prescribed by IC 3-9-2-4.

27 (6) Makes a contribution in the name of another person.

28 (7) Accepts a contribution made by one (1) person in the name of
 29 another person.

30 (8) Is not the treasurer of a committee subject to this article, and
 31 pays any expenses of an election or a caucus except as authorized
 32 by this article.

33 (9) Commingles the funds of a committee with the personal funds
 34 of an officer, a member, or an associate of the committee.

35 (10) Wrongfully uses campaign contributions in violation of
 36 IC 3-9-3-4.

37 **(11) Is a candidate, candidate's committee, political party, or**
 38 **political action committee, and sponsors a persuasion poll that**
 39 **does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6.**

40 **(12) Authorizes, conducts, or administers a persuasion poll**
 41 **that does not comply with IC 3-9-8-4, IC 3-9-8-5, or**
 42 **IC 3-9-8-6.**



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1 (b) This subsection applies to a person who is subject to a civil
 2 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
 3 statement. If the county election board determines that a person failed
 4 to file the report or a statement of organization not later than noon five
 5 (5) days after being given notice under section 14 of this chapter, the
 6 county election board may assess a civil penalty. The penalty is ten
 7 dollars (\$10) for each day the report is late after the expiration of the
 8 five (5) day period, not to exceed one hundred dollars (\$100) plus any
 9 investigative costs incurred and documented by the board. The civil
 10 penalty limit under this subsection applies to each report separately.

11 (c) This subsection applies to a person who is subject to a civil
 12 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
 13 statement. If the county election board determines that a person failed
 14 to file the report or statement of organization by the deadline prescribed
 15 under this article, the board shall assess a civil penalty. The penalty is
 16 fifty dollars (\$50) for each day the report is late, with the afternoon of
 17 the final date for filing the report or statement being calculated as the
 18 first day. The civil penalty under this subsection may not exceed one
 19 thousand dollars (\$1,000) plus any investigative costs incurred and
 20 documented by the board. The civil penalty limit under this subsection
 21 applies to each report separately.

22 (d) This subsection applies to a person who is subject to a civil
 23 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
 24 (a)(10). If the county election board determines that a person is subject
 25 to a civil penalty under subsection (a), the board may assess a civil
 26 penalty of not more than one thousand dollars (\$1,000), plus any
 27 investigative costs incurred and documented by the board.

28 (e) This subsection applies to a person who is subject to a civil
 29 penalty under subsection (a)(5). If the county election board determines
 30 that a person is subject to a civil penalty under subsection (a)(5), the
 31 board may assess a civil penalty of not more than three (3) times the
 32 amount of the contribution in excess of the limit prescribed by
 33 IC 3-9-2-4, plus any investigative costs incurred and documented by
 34 the board.

35 **(f) This subsection applies to a candidate, candidate's**
 36 **committee, political party, or political action committee that is**
 37 **subject to a civil penalty under subsection (a)(11). If the county**
 38 **election board determines by a unanimous vote that the candidate,**
 39 **candidate's committee, political party, or political action**
 40 **committee has sponsored a persuasion poll that included calls that**
 41 **did not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the**
 42 **county election board may assess a civil penalty of up to three (3)**

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1 times the amount expended by the candidate, candidate's
 2 committee, political party, or political action committee in
 3 sponsoring the poll, plus any investigative costs incurred and
 4 documented by the county election board. If the county election
 5 board determines by a unanimous vote that a civil penalty is
 6 warranted, the county election board shall consider the following
 7 factors in determining the amount of the penalty:

8 (1) the number of calls made in violation of IC 3-9-8-4,
 9 IC 3-9-8-5, or IC 3-9-8-6; and

10 (2) whether the calls in violation of IC 3-9-8-4, IC 3-9-8-5, or
 11 IC 3-9-8-6 were isolated events or part of a pattern of
 12 violations.

13 (g) This subsection applies to a person who is subject to a civil
 14 penalty under subsection (a)(12). If the county election board
 15 determines that a person has violated IC 3-9-8-4, IC 3-9-8-5, or
 16 IC 3-9-8-6, the county election board shall assess a civil penalty.
 17 The penalty is fifty dollars (\$50) for each call that violates
 18 IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6. The civil penalty under this
 19 subsection may not exceed one thousand dollars (\$1,000) plus any
 20 investigative costs incurred and documented by the board.

21 (h) All civil penalties collected under this section shall be
 22 deposited with the county treasurer to be deposited by the county
 23 treasurer in a separate account to be known as the campaign finance
 24 enforcement account. The funds in the account are available, with the
 25 approval of the county fiscal body, to augment and supplement the
 26 funds appropriated for the administration of this article.

27 (i) Money in the campaign finance enforcement account does not
 28 revert to the county general fund at the end of a county fiscal year.

29 (j) Proceedings of the county election board under this section
 30 are subject to IC 4-21.5.

31 SECTION 3. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS
 32 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 1999]:

34 **Chapter 8. Persuasion Polls**

35 **Sec. 1. As used in this chapter, "basic preference question"**
 36 **means a question that provides a respondent with a list of**
 37 **candidates' names and asks which candidate the respondent**
 38 **supports in a particular election or caucus.**

39 **Sec. 2. As used in this chapter, "persuasion poll" means a**
 40 **telephone survey or series of telephone surveys that are similar in**
 41 **nature:**

42 (1) that includes or totals more than five hundred (500) calls;



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1 (2) that references, other than in a basic preference question,
2 a candidate or group of candidates in any election or caucus;

3 (3) that is designed to:

4 (A) provide information that is negative or derogatory
5 about a candidate or group of candidates in any election or
6 caucus; or

7 (B) influence the respondent to vote for or against a
8 candidate or group of candidates in any election or caucus;
9 rather than to measure the public's opinion about the
10 candidates or issues in any election or caucus; and

11 (4) to which at least one (1) of the following applies:

12 (A) A list or directory is used, exclusively or in part, to
13 select respondents belonging to a particular subset or
14 combination of subsets of the population based on
15 demographic or political characteristics such as race, sex,
16 age, ethnicity, party affiliation, or like characteristics.

17 (B) The poll takes less than three (3) minutes to complete,
18 excluding time spent in identifying the person sponsoring
19 and authorizing the poll.

20 (C) The poll does not ask questions about the political or
21 demographic characteristics of the respondents.

22 (D) The person who authorizes, sponsors, conducts, or
23 administers the poll does not collect or tabulate the results
24 of the poll.

25 (E) The poll is commenced not more than ten (10) days
26 before an election.

27 **Sec. 3. (a) For purposes of this chapter, a candidate, candidate's**
28 **committee, political party, or political action committee conducts**
29 **business in Indiana if the candidate, candidate's committee,**
30 **political party, or political action committee sponsors or authorizes**
31 **a persuasion poll that includes telephone calls that are made:**

32 (1) from Indiana to other locations in Indiana;

33 (2) from another state or nation to locations in Indiana; or

34 (3) from locations both within and outside Indiana to locations
35 in Indiana.

36 (b) For purposes of this chapter, a person conducts business in
37 Indiana if the person receives money or other remuneration to
38 conduct or administer a persuasion poll that includes telephone
39 calls that are made:

40 (1) from Indiana to other locations in Indiana;

41 (2) from another state or nation to locations in Indiana; or

42 (3) from locations both within and outside Indiana to locations

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1 **in Indiana.**

2 (c) A nonresident of Indiana who conducts business under
3 subsection (a) or (b) is considered to have appointed the election
4 division as the nonresident's agent for service of process in any
5 action or proceeding against the nonresident arising from the
6 conduct of the persuasion poll.

7 **Sec. 4. (a) A person may not sponsor, authorize, conduct, or**
8 **administer a persuasion poll unless, at the end of the call, the caller**
9 **identifies the person sponsoring and authorizing the call by stating:**
10 **"Paid for by (name of person sponsoring the call), on behalf of**
11 **(name of person authorizing the call)."**

12 (b) If the person sponsoring or authorizing the call is not
13 required to file a report under IC 3-9-5, the caller shall also
14 disclose a valid current address for the person identified.

15 (c) If the person sponsoring or authorizing the call is a
16 candidate or candidate's committee, the caller shall also disclose
17 the candidate's name and the office sought by the candidate.
18 However, if a candidate or candidate's committee neither sponsors
19 nor authorizes the call, the caller shall state that the call is not
20 authorized by any candidate or candidate's committee.

21 (d) A person does not violate this section if the respondent
22 voluntarily terminates the call or asks to be called back before the
23 required disclosures are made.

24 **Sec. 5. A person may not state or imply false or fictitious names**
25 **or addresses when making the disclosures required under section**
26 **4 of this chapter.**

27 **Sec. 6. (a) A caller who makes the disclosures required under**
28 **section 4 of this chapter shall do so in a clear and intelligible**
29 **manner and shall repeat them upon the request of the respondent.**

30 (b) A person may make the required disclosures by means of a
31 computerized or prerecorded disclaimer message. However, a
32 computerized or prerecorded disclaimer message must offer
33 respondents an option to repeat the message.

34 **Sec. 7. A person who sponsors, authorizes, conducts, or**
35 **administers a persuasion poll may not knowingly or intentionally**
36 **block or attempt to block the display of the person's:**

37 (1) telephone number; or

38 (2) identity;

39 **by a respondent's caller ID service (as defined by IC 8-1-2.9-1)**
40 **during a call that is part of the persuasion poll.**

41 SECTION 4. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 1999]: **Sec. 17. A person who sponsors, authorizes, conducts, or**
2 **administers a persuasion poll that violates IC 3-9-8-4, IC 3-9-8-5,**
3 **or IC 3-9-8-6 commits a Class B misdemeanor.**
4 SECTION 5. IC 3-14-1-18 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 1999]: **Sec. 18. A person who violates IC 3-9-8-7 by knowingly or**
7 **intentionally blocking or attempting to block the person's**
8 **telephone number or identity by a respondent's caller ID service**
9 **(as defined in IC 8-1-2.9-1) commits a Class B misdemeanor.**
10 **However, the offense is a Class A misdemeanor if the person has a**
11 **previous unrelated conviction under that section.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill No. 480, 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 12, delete "Violates IC 3-9-8-4." and insert **"Is a candidate, candidate's committee, political party, or political action committee, and sponsors a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6."**

Page 2, between lines 12 and 13, begin a new line block indented and insert:

"(13) Authorizes, conducts, or administers a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6."

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"(g) This subsection applies to a candidate, candidate's committee, political party, or political action committee that is subject to a civil penalty under subsection (a)(12). If the commission determines that the candidate, candidate's committee, political party, or political action committee has sponsored a persuasion poll that included calls that did not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the commission may assess a civil penalty of up to three (3) times the amount expended by the candidate, candidate's committee, political party, or political action committee in sponsoring the poll, plus any investigative costs incurred and documented by the election division. If the commission determines that a civil penalty is warranted, the commission shall consider the following factors in determining the amount of the penalty:

- (1) the number of calls made in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6; and**
- (2) whether the calls in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6 were isolated events or part of a pattern of violations."**

Page 3, line 13, delete "(g)" and insert "(h)".

Page 3, line 14, delete "(a)(12)" and insert "(a)(13)".

Page 3, line 15, delete " IC 3-9-8-4 by failing to make the required" and insert **" IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6,"**

Page 3, line 16, delete "disclosures or by making false or fictitious disclosures,".

Page 3, line 18, delete "IC 3-9-8-4" and insert **"IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6"**.

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Page 3, line 22, delete "(h)" and insert "(i)".

Page 3, line 25, delete "(i)" and insert "(j)".

Page 4, line 12, delete "Violates IC 3-9-8-4." and insert **"Is a candidate, candidate's committee, political party, or political action committee, and sponsors a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6."**

Page 4, between lines 12 and 13, begin a new line block indented and insert:

"(12) Authorizes, conducts, or administers a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6."

Page 5, between lines 4 and 5, begin a new paragraph and insert:

"(f) This subsection applies to a candidate, candidate's committee, political party, or political action committee that is subject to a civil penalty under subsection (a)(11). If the county election board determines by a unanimous vote that the candidate, candidate's committee, political party, or political action committee has sponsored a persuasion poll that included calls that did not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the county election board may assess a civil penalty of up to three (3) times the amount expended by the candidate, candidate's committee, political party, or political action committee in sponsoring the poll, plus any investigative costs incurred and documented by the county election board. If the county election board determines by a unanimous vote that a civil penalty is warranted, the county election board shall consider the following factors in determining the amount of the penalty:

(1) the number of calls made in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6; and

(2) whether the calls in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6 were isolated events or part of a pattern of violations."

Page 5, line 5, delete "(f)" and insert "(g)".

Page 5, line 6, delete "(a)(11)" and insert "(a)(12)".

Page 5, line 7, delete " IC 3-9-8-4 by failing to make" and insert **"IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6,"**

Page 5, delete line 8.

Page 5, line 10, delete "IC 3-9-8-4" and insert **"IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6"**.

Page 5, line 14, delete "(g)" and insert "(h)".

Page 5, line 20, delete "(h)" and insert "(i)".

Page 5, line 22, delete "(i)" and insert "(j)".



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Page 5, line 27, delete "and Telephone Solicitations".

Page 5, line 35, delete "one thousand (1,000)" and insert "**five hundred (500)**".

Page 6, delete lines 21 through 28.

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 3. (a) For purposes of this chapter, a candidate, candidate's committee, political party, or political action committee conducts business in Indiana if the candidate, candidate's committee, political party, or political action committee sponsors or authorizes a persuasion poll that includes telephone calls that are made:

- (1) from Indiana to other locations in Indiana;**
- (2) from another state or nation to locations in Indiana; or**
- (3) from locations both within and outside Indiana to locations in Indiana.**

(b) For purposes of this chapter, a person conducts business in Indiana if the person receives money or other remuneration to conduct or administer a persuasion poll that includes telephone calls that are made:

- (1) from Indiana to other locations in Indiana;**
- (2) from another state or nation to locations in Indiana; or**
- (3) from locations both within and outside Indiana to locations in Indiana.**

(c) A nonresident of Indiana who conducts business under subsection (a) or (b) is considered to have appointed the election division as the nonresident's agent for service of process in any action or proceeding against the nonresident arising from the conduct of the persuasion poll."

Page 6, line 29, delete "(b)" and insert "**Sec. 4. (a)**".

Page 6, line 29, delete "authorize, sponsor," and insert "**sponsor, authorize,**".

Page 6, line 30, delete "or political telephone solicitation".

Page 6, line 35, delete "(c)" and insert "**(b)**".

Page 6, line 38, delete "(d)" and insert "**(c)**".

Page 7, line 2, delete "(e)" and insert "**(d)**".

Page 7, line 2, delete "The" and insert "**A**".

Page 7, line 2, delete "sponsoring or authorizing the call".

Page 7, line 11, delete "The" and insert "**A**".

Page 7, line 11, delete "sponsoring or authorizing the call".

Page 7, between lines 15 and 16, begin a new paragraph and insert:

"Sec. 7. A person who sponsors, authorizes, conducts, or administers a persuasion poll may not knowingly or intentionally

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block or attempt to block the display of the person's:

(1) telephone number; or

(2) identity;

by a respondent's caller ID service (as defined by IC 8-1-2.9-1) during a call that is part of the persuasion poll."

Page 7, line 18, after "who" insert **"sponsors, authorizes, conducts, or administers a persuasion poll that"**.

Page 7, line 18, delete " IC 3-9-8-4 by failing to" and insert **"IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6"**.

Page 7, delete line 19.

Page 7, line 20, delete "disclosures".

Page 7, after line 20, begin a new paragraph and insert:

"SECTION 5. IC 3-14-1-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. A person who violates IC 3-9-8-7 by knowingly or intentionally blocking or attempting to block the person's telephone number or identity by a respondent's caller ID service (as defined in IC 8-1-2.9-1) commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under that section."

and when so amended that said bill do pass.

(Reference is to SB 480 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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