

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6149**

**BILL NUMBER: SB 63**

**NOTE PREPARED: Jan 28, 2010**

**BILL AMENDED: Jan 21, 2010**

**SUBJECT:** Civil Penalties for Certain Disclaimers.

**FIRST AUTHOR:** Sen. Leising

**FIRST SPONSOR:** Rep. Battles

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:**    **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) The bill establishes a civil penalty of not more than \$1,000 per communication for a person who makes a communication that contains a disclaimer that is difficult to read or whose placement is easily overlooked. The bill specifies the font size and color contrast for disclaimers required on certain printed communications. The bill provides that a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer does not have liability for a disclaimer that violates the statute.

**Effective Date:** (Amended) Upon Passage.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** (Revised) The bill could increase the funds deposited in the state Campaign Finance Enforcement Account (CFEA) or a local campaign finance enforcement account. However, the amount collected would depend on the number of violators that would pay for or authorize political advertisements in the future that meet the conditions of the bill.

The state CFEA could receive a civil penalty of not more than \$1,000 per communication and investigative costs incurred for violations concerning federal, statewide, or state legislative elections. Certain individuals would be excluded from liability for violation of the statute.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** Local campaign finance enforcement accounts could receive civil penalties

of not more than \$1,000 and investigative costs incurred for violations concerning local unit or school board elections.

**State Agencies Affected:** State Treasurer.

**Local Agencies Affected:** County treasurers.

**Information Sources:**

**Fiscal Analyst:** Chris Baker, 317-232-9851.