

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Elections, to which was referred Senate Bill No. 63, 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:

- 1 Replace the effective dates in SECTIONS 1 through 2 with
2 ""[EFFECTIVE UPON PASSAGE]".
- 3 Page 1, between the enacting clause and line 1, begin a new
4 paragraph and insert:
- 5 "SECTION 1. IC 3-9-3-2.5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE] : Sec. 2.5. (a) This
7 section does not apply to any of the following:
- 8 (1) A communication relating to an election to a federal office.
9 (2) A communication relating to the outcome of a public question.
10 (3) A communication described by this section in a medium
11 regulated by federal law to the extent that federal law regulates
12 the appearance, content, or placement of the communication in
13 the medium.
14 (4) Bumper stickers, pins, buttons, pens, and similar small items
15 upon which the disclaimer required by this section cannot be
16 conveniently printed.
17 (5) Skywriting, water towers, wearing apparel, or other means of
18 displaying an advertisement on which the inclusion of a
19 disclaimer would be impracticable.
20 (6) Checks, receipts, and similar items of minimal value that do

1 not contain a political message and are used for purely
2 administrative purposes.

3 (7) A communication by a political action committee organized
4 and controlled by a corporation soliciting contributions to the
5 political action committee by the stockholders, executives, or
6 employees of the corporation and the families of those
7 individuals.

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

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

15 (b) This section applies whenever a person:

16 (1) makes an expenditure for the purpose of financing
17 communications expressly advocating the election or defeat of a
18 clearly identified candidate; or

19 (2) solicits a contribution;

20 through a newspaper, a magazine, an outdoor advertising facility, a
21 poster, a yard sign, a direct mailing, or any other type of general public
22 political advertising.

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

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

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

27 (3) The identity of the candidate is apparent by unambiguous
28 reference.

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

36 **(e) In addition to the requirements of subsection (d), a**
37 **disclaimer that appears on a printed communication described in**
38 **subsection (b) must comply with the following:**

39 **(1) The disclaimer must be of sufficient type size to be clearly**
40 **readable by the recipient of the communication. A disclaimer**
41 **in 12 point type size satisfies the size requirement of this**
42 **subdivision when the disclaimer is used for a yard sign, a**

1 poster, a flyer, a newspaper, a magazine, or a direct mailing.
 2 (2) The disclaimer must be printed with a reasonable degree
 3 of color contrast between the background and the printed
 4 statement. A disclaimer satisfies the color contrast
 5 requirement of this subdivision if:

- 6 (A) the disclaimer is printed in black text on a white
 7 background; or
 8 (B) the degree of color contrast between the background
 9 and the text of the disclaimer is not less than the color
 10 contrast between the background and the largest text used
 11 in the communication.

12 ~~(e)~~ (f) A communication that would require a disclaimer if
 13 distributed separately must contain the required disclaimer if included
 14 in a package of materials.

15 ~~(f)~~ (g) This subsection does not apply to a communication, such as
 16 a billboard, that contains only a front face. The disclaimer need not
 17 appear on the front or cover page of the communication if the
 18 disclaimer appears within the communication.

19 ~~(g)~~ (h) Except as provided in subsection ~~(h)~~; (i), a communication
 20 described in subsection (b) must satisfy one (1) of the following:

- 21 (1) If the communication is paid for and authorized by:
 22 (A) a candidate;
 23 (B) an authorized political committee of a candidate; or
 24 (C) the committee's agents;

25 the communication must clearly state that the communication has
 26 been paid for by the authorized political committee.

- 27 (2) If the communication is paid for by other persons but
 28 authorized by:

- 29 (A) a candidate;
 30 (B) an authorized political committee of a candidate; or
 31 (C) the committee's agents;

32 the communication must clearly state that the communication is
 33 paid for by the other persons and authorized by the authorized
 34 political committee.

- 35 (3) If the communication is not authorized by:

- 36 (A) a candidate;
 37 (B) an authorized political committee of a candidate; or
 38 (C) the committee's agents;

39 the communication must clearly state the name of the person who
 40 paid for the communication and state that the communication is
 41 not authorized by any candidate or candidate's committee.

- 42 (4) If the communication is a solicitation directed to the general

1 public on behalf of a political committee that is not a candidate's
 2 committee, the solicitation must clearly state the full name of the
 3 person who paid for the communication.

4 ~~(h)~~ (i) A communication by a regular party committee consisting of:
 5 (1) a printed slate card, a sample ballot, or other printed listing of
 6 three (3) or more candidates for public office at an election;
 7 (2) campaign materials such as handbills, brochures, posters,
 8 party tabloids or newsletters, and yard signs distributed by
 9 volunteers and used by the regular party committee in connection
 10 with volunteer activities on behalf of any nominee of the party; or
 11 (3) materials distributed by volunteers as part of the regular
 12 party's voter registration or get-out-the-vote efforts;
 13 must clearly state the name of the person who paid for the
 14 communication but is not required to state that the communication is
 15 authorized by any candidate or committee."

16 Page 2, line 22, delete ":" and insert "**that is not presented in a**
 17 **clear and conspicuous manner required by IC 3-9-3-2.5(d) and**
 18 **IC 3-9-3-2.5(e).**"

19 Page 2, delete lines 23 through 24.

20 Page 2, run in lines 22 through 25.

21 Page 5, line 18, delete ":" and insert "**that is not presented in a**
 22 **clear and conspicuous manner required by IC 3-9-3-2.5(d) and**
 23 **IC 3-9-3-2.5(e).**"

24 Page 5, delete lines 19 through 20.

25 Page 5, run in lines 18 through 21.

26 Page 7, after line 11, begin a new paragraph and insert:
 27 "SECTION 4. **An emergency is declared for this act.**"

28 Renumber all SECTIONS consecutively.
 (Reference is to SB 63 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Landske, Chairperson