
HOUSE BILL No. 1553

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4.7.

Synopsis: Political telephone calls. Provides that certain information must be disclosed to an individual called during a telephone call for a political communication. Defines "political communication" as a telephone call that expressly advocates the election or defeat of a clearly identified candidate. Provides that a telephone call for a political communication may not be made on the day of a primary, general, or special election or within five (5) days immediately preceding a primary, general, or special election. Provides that a telephone call for a political communication may not be made to a telephone number on the "do not call" list. Provides that these restrictions do not apply to a call made by a: (1) labor organization or other membership organization to the members of the labor or membership organization; or (2) corporation to the officers, shareholders, or employees of the corporation.

Effective: July 1, 2011.

Grubb, Steuerwald

January 20, 2011, read first time and referred to Committee on Elections and Apportionment.

C
o
p
y



First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1553



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 24-4.7-1-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This article does not
- 3 apply to any of the following:
- 4 (1) A telephone call made in response to an express request of the
- 5 person called.
- 6 (2) A telephone call made primarily in connection with an
- 7 existing debt or contract for which payment or performance has
- 8 not been completed at the time of the call.
- 9 (3) A telephone call made on behalf of a charitable organization
- 10 that is exempt from federal income taxation under Section 501 of
- 11 the Internal Revenue Code, but only if all of the following apply:
- 12 (A) The telephone call is made by a volunteer or an employee
- 13 of the charitable organization.
- 14 (B) The telephone solicitor who makes the telephone call
- 15 immediately discloses all of the following information upon
- 16 making contact with the consumer:
- 17 (i) The solicitor's true first and last name.



- 1 (ii) The name, address, and telephone number of the
- 2 charitable organization.
- 3 (4) A telephone call made by an individual licensed under
- 4 IC 25-34.1 if:
- 5 (A) the sale of goods or services is not completed; and
- 6 (B) the payment or authorization of payment is not required;
- 7 until after a face to face sales presentation by the seller.
- 8 (5) A telephone call made by an individual licensed under
- 9 IC 27-1-15.6 or IC 27-1-15.8 when the individual is soliciting an
- 10 application for insurance or negotiating a policy of insurance on
- 11 behalf of an insurer (as defined in IC 27-1-2-3).
- 12 (6) A telephone call soliciting the sale of a newspaper of general
- 13 circulation, but only if the telephone call is made by a volunteer
- 14 or an employee of the newspaper.
- 15 **(7) A political communication by a:**
- 16 **(A) labor organization or other membership organization**
- 17 **to the members of the labor or membership organization;**
- 18 **or**
- 19 **(B) corporation to the officers, shareholders, or employees**
- 20 **of the corporation.**
- 21 SECTION 2. IC 24-4.7-2-2 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. "Consumer" means
- 23 a residential telephone subscriber who is an actual or a prospective:
- 24 (1) purchaser, lessee, or recipient of consumer goods or services;
- 25 or
- 26 (2) donor to a charitable organization; or
- 27 **(3) recipient of a political communication.**
- 28 SECTION 3. IC 24-4.7-2-7.5 IS ADDED TO THE INDIANA
- 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2011]: **Sec. 7.5. As used in this chapter,**
- 31 **"political communication" refers to a telephone call that expressly**
- 32 **advocates the election or defeat of a clearly identified candidate.**
- 33 **For purposes of this section, a candidate is clearly identified if**
- 34 **either of the following applies:**
- 35 **(1) The name of the candidate is used.**
- 36 **(2) The identity of the candidate is apparent by unambiguous**
- 37 **reference.**
- 38 SECTION 4. IC 24-4.7-2-9 IS AMENDED TO READ AS
- 39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. "Telephone sales
- 40 call" means a telephone call made to a consumer for any of the
- 41 following purposes:
- 42 (1) Solicitation of a sale of consumer goods or services.

COPY



- 1 (2) Solicitation of a charitable contribution.
- 2 (3) Obtaining information that will or may be used for the direct
- 3 solicitation of a sale of consumer goods or services or an
- 4 extension of credit for such purposes.

5 **(4) A political communication.**

6 The term includes a call made by use of automated dialing or recorded
7 message devices.

8 SECTION 5. IC 24-4.7-4-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. A telephone solicitor
10 who makes a telephone sales call to a telephone number shall
11 immediately disclose the following information upon making contact
12 with the consumer:

- 13 (1) The solicitor's true first and last name.
- 14 (2) **Whichever of the following is applicable:**
 - 15 (A) The name of the business on whose behalf the telephone
 - 16 solicitor is soliciting.
 - 17 (B) **If the call is for a political communication, the**
 - 18 **following information:**
 - 19 (i) **The name of the caller.**
 - 20 (ii) **The identity of the person who paid for or authorized**
 - 21 **the call.**
 - 22 (iii) **The telephone number and address of the person**
 - 23 **who paid for or authorized the call.**

24 SECTION 6. IC 24-4.7-4-7 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2011]: Sec. 7. **A political communication may not be made on the**
27 **day of a primary, general, or special election or within five (5) days**
28 **immediately preceding a primary, general, or special election.**

C
o
p
y

