

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Elections, to which was referred Senate Bill No. 49, 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           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 3-9-3-2.5 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. (a) This section  
5 does not apply to any of the following:  
6           (1) A communication relating to an election to a federal office.  
7           (2) A communication relating to the outcome of a public question.  
8           (3) A communication described by this section in a medium  
9 regulated by federal law to the extent that federal law regulates  
10 the appearance, content, or placement of the communication in  
11 the medium.  
12           (4) Bumper stickers, pins, buttons, pens, and similar small items  
13 upon which the disclaimer required by this section cannot be  
14 conveniently printed.  
15           (5) Skywriting, water towers, wearing apparel, or other means of  
16 displaying an advertisement on which the inclusion of a  
17 disclaimer would be impracticable.  
18           (6) Checks, receipts, and similar items of minimal value that do  
19 not contain a political message and are used for purely

- 1 administrative purposes.
- 2 (7) A communication by a political action committee organized  
3 and controlled by a corporation soliciting contributions to the  
4 political action committee by the stockholders, executives, or  
5 employees of the corporation and the families of those  
6 individuals.
- 7 (8) A communication by a political action committee organized  
8 and controlled by a labor organization soliciting contributions to  
9 the political action committee by the members or executive  
10 personnel of the labor organization and the families of those  
11 individuals.
- 12 (9) A direct mailing of one hundred (100) or less substantially  
13 similar pieces of mail.
- 14 (b) This section applies whenever a person:
- 15 (1) makes an expenditure for the purpose of financing  
16 communications expressly advocating the election or defeat of a  
17 clearly identified candidate; or
- 18 (2) solicits a contribution;  
19 through a newspaper, a magazine, an outdoor advertising facility, a  
20 poster, a yard sign, a direct mailing, or any other type of general public  
21 political advertising.
- 22 (c) For purposes of this section, a candidate is clearly identified if  
23 any of the following apply:
- 24 (1) The name of the candidate involved appears.  
25 (2) A photograph or drawing of the candidate appears.  
26 (3) The identity of the candidate is apparent by unambiguous  
27 reference.
- 28 (d) A communication described in subsection (b) must contain a  
29 disclaimer that appears and is presented in a clear and conspicuous  
30 manner to give the reader or observer adequate notice of the identity of  
31 persons who paid for and, when required, who authorized the  
32 communication. A disclaimer does not comply with this section if the  
33 disclaimer is difficult to read or if the placement of the disclaimer is  
34 easily overlooked.
- 35 **(e) In addition to the requirements of subsection (d), a**  
36 **disclaimer that appears on a printed communication described in**  
37 **subsection (b) must comply with the following:**
- 38 **(1) The disclaimer must be of sufficient type size to be clearly**

1           **readable by the recipient of the communication. A disclaimer**  
 2           **in 12 point type size satisfies the size requirement of this**  
 3           **subdivision when the disclaimer is used for a yard sign, a**  
 4           **poster, a flyer, a newspaper, a magazine, or a direct mailing.**  
 5           **(2) The disclaimer must be printed with a reasonable degree**  
 6           **of color contrast between the background and the printed**  
 7           **statement. A disclaimer satisfies the color contrast**  
 8           **requirement of this subdivision if:**

9           **(A) the disclaimer is printed in black text on a white**  
 10           **background; or**

11           **(B) the degree of color contrast between the background**  
 12           **and the text of the disclaimer is not less than the color**  
 13           **contrast between the background and the largest text used**  
 14           **in the communication.**

15           ~~(e)~~ **(f)** A communication that would require a disclaimer if  
 16           distributed separately must contain the required disclaimer if included  
 17           in a package of materials.

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

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

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

25           (A) a candidate;

26           (B) an authorized political committee of a candidate; or

27           (C) the committee's agents;

28           the communication must clearly state that the communication has  
 29           been paid for by the authorized political committee.

30           (2) If the communication is paid for by other persons but  
 31           authorized by:

32           (A) a candidate;

33           (B) an authorized political committee of a candidate; or

34           (C) the committee's agents;

35           the communication must clearly state that the communication is  
 36           paid for by the other persons and authorized by the authorized  
 37           political committee.

38           (3) If the communication is not authorized by:

- 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 the name of the person who  
 5 paid for the communication and state that the communication is  
 6 not authorized by any candidate or candidate's committee.  
 7 (4) If the communication is a solicitation directed to the general  
 8 public on behalf of a political committee that is not a candidate's  
 9 committee, the solicitation must clearly state the full name of the  
 10 person who paid for the communication.  
 11 ~~(f)~~ (i) A communication by a regular party committee consisting of:  
 12 (1) a printed slate card, a sample ballot, or other printed listing of  
 13 three (3) or more candidates for public office at an election;  
 14 (2) campaign materials such as handbills, brochures, posters,  
 15 party tabloids or newsletters, and yard signs distributed by  
 16 volunteers and used by the regular party committee in connection  
 17 with volunteer activities on behalf of any nominee of the party; or  
 18 (3) materials distributed by volunteers as part of the regular  
 19 party's voter registration or get-out-the-vote efforts;  
 20 must clearly state the name of the person who paid for the  
 21 communication but is not required to state that the communication is  
 22 authorized by any candidate or committee."  
 23 Page 2, line 22, delete ":" and insert "**that is not presented in a**  
 24 **clear and conspicuous manner required by IC 3-9-3-2.5(d) and**  
 25 **IC 3-9-3-2.5(e).**"  
 26 Page 2, delete lines 23 through 24.  
 27 Page 2, run in lines 22 through 25.  
 28 Page 5, line 18, delete ":" and insert "**that is not presented in a**  
 29 **clear and conspicuous manner required by IC 3-9-3-2.5(d) and**  
 30 **IC 3-9-3-2.5(e).**"

- 1 Page 5, delete lines 19 through 20.
- 2 Page 5, run in lines 18 through 21.
- 3 Renumber all SECTIONS consecutively.  
(Reference is to SB 49 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 10, Nays 0.

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**Landske**

**Chairperson**