



Sen. Ira I. Silverstein

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LRB096 04485 JAM 25661 a

1 AMENDMENT TO HOUSE BILL 268

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 268 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Section 9-9.5 as follows:

6 (10 ILCS 5/9-9.5)

7 Sec. 9-9.5. Disclosures in political communications.

8 (a) Any political committee, organized under the Election  
9 Code, that makes an expenditure for a pamphlet, circular,  
10 handbill, Internet or telephone communication, radio,  
11 television, or print advertisement, or other communication  
12 directed at voters and mentioning the name of a candidate in  
13 the next upcoming election shall ensure that the name of the  
14 political committee paying for any part of the communication,  
15 including, but not limited to, its preparation and  
16 distribution, is identified clearly within the communication

1 as the payor. This subsection does not apply to items that are  
2 too small to contain the required disclosure. Nothing in this  
3 subsection shall require disclosure on any telephone  
4 communication using random sampling or other scientific survey  
5 methods to gauge public opinion for or against any candidate or  
6 question of public policy.

7 Whenever any vendor or other person provides any of the  
8 services listed in this subsection, other than any telephone  
9 communication using random sampling or other scientific survey  
10 methods to gauge public opinion for or against any candidate or  
11 question of public policy, the vendor or person shall keep and  
12 maintain records showing the name and address of the person who  
13 purchased or requested the services and the amount paid for the  
14 services. The records required by this subsection shall be kept  
15 for a period of one year after the date upon which payment was  
16 received for the services.

17 (b) Any political committee, organized under this Code,  
18 that makes an expenditure for a pamphlet, circular, handbill,  
19 Internet or telephone communication, radio, television, or  
20 print advertisement, or other communication directed at voters  
21 and (i) mentioning the name of a candidate in the next upcoming  
22 election, without that candidate's permission, or (ii)  
23 advocating for or against a public policy position shall ensure  
24 that the name of the political committee paying for any part of  
25 the communication, including, but not limited to, its  
26 preparation and distribution, is identified clearly within the

1 communication. Nothing in this subsection shall require  
2 disclosure on any telephone communication using random  
3 sampling or other scientific survey methods to gauge public  
4 opinion for or against any candidate or question of public  
5 policy.

6 (c) A political committee organized under this Code shall  
7 not make an expenditure for any unsolicited telephone call to  
8 the line of a residential telephone customer in this State  
9 using any method to block or otherwise circumvent that  
10 customer's use of a caller identification service.

11 (d) Notwithstanding any other provision of this Section, it  
12 is unlawful for a person or entity to telephone or cause to be  
13 telephoned by any telephonic means, including but not limited  
14 to an automatic dialing-announcing device, a device using a  
15 voice over Internet protocol, or a wireless telephone, any  
16 paid, pre-recorded message that expressly advocates the  
17 nomination, election, or defeat of a clearly identified  
18 candidate for a State or local office, unless such message is  
19 preceded by the statement: "paid for" or "sponsored by",  
20 followed by the name of the sponsoring organization.

21 As used in this subsection, "automatic dialing-announcing  
22 device" means any user terminal equipment that:

23 (1) when connected to a telephone line can dial, with  
24 or without manual assistance, telephone numbers that have  
25 been stored or programmed in the device or are produced or  
26 selected by a random or sequential number generator; or

1           (2) when connected to a telephone line can disseminate  
2           a recorded message to the telephone number called, either  
3           with or without manual assistance.

4           (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;  
5           95-699, eff. 11-9-07.)

6           Section 99. Effective date. This Act takes effect upon  
7           becoming law."