

HOUSE COMMITTEE ON ELECTION AND RULES

May 19, 2005 Hearing Room E

1:00 P.M. Tape 56

MEMBERS PRESENT: Rep. Derrick Kitts, Chair

Rep. Paul Holvey, Vice-Chair

Rep. Kim Thatcher, Vice-Chair

Rep. Billy Dalto

Rep. Debi Farr

Rep. Mitch Greenlick

Rep. Steve March

STAFF PRESENT: Cletus Moore, Committee Administrator

Annetta Mullins, Committee Assistant

MEASURES/ISSUES HEARD:

SB 858 A – Public Hearing and Work Session

Introduction of Committee Measure – Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 56, A

003 Vice-Chair Thatcher Calls the meeting to order at 1:51 p.m. due to delayed floor session and opens a public hearing on SB 858 A.

SB 858 A- PUBLIC HEARING

015 Cletus Moore Committee Administrator. Reads summary of SB 858 A.

042 Sen. Joanne Verger SD 5. Presents a prepared statement in support of SB 858 A **(EXHIBIT A)**. States that if someone is running for office as a candidate and some other person chooses to run a long list of organizations the person may have previously belonged to and even though the person may not have been associated with the organizations, it would be very difficult to change that perception.

057 Rep. Farr Asks Sen. Verger to give examples of statements she believes contained false or misleading information.

Sen. Verger States it could be anything. Gives hypothetical examples. States she does not believe it would cost anything to add the information.

082 Rep. Greenlick States he believes that is true and wonders if we might not want something stronger.

Sen. Verger States the language in SB 858 A is actually a compromise. Adds that the SOS can explain but believes we need a disclaimer.

Rep. Holvey Ask if it is a violation to knowingly put false information in the Voters' Pamphlet.

Fred Neal Campaign Finance Manager and Voters' Pamphlet supervisor, Secretary of State's Office. Responds that it is a Class C felony to knowingly falsify the required information. And candidates are required by statute to attest to the truthfulness in the candidate statement. That is the occupational information, educational information and prior governmental experience. States they have had one prosecution in the last 10 years about the required information. The rest of the information is only subject to the limitation by statute or proscribed by the Secretary from publishing anything that is libelous, incites hatred or violence toward an individual or group of individuals, or cannot be sent through the U. S. Mail.

133	Vice Chair Thatcher	Asks what SOS can do if they see something that is false even though it would not fall under one of the headings.
	Neal	Responds that the opponent's statement is not public information, as is the other party's, until the fourth business day after the filing deadline. It would be an action by the person against the opponent in the Marion County Circuit Court. States there is an election law that is enforced by the parties, not by the state, on misrepresentation of material fact. Explains the court process, penalty and deadlines.
170	Vice Chair Thatcher	Asks if the same procedure would be followed if Neal knew the candidate and knew the information was incorrect.
	Neal	Nods affirmatively.
	Rep. Greenlick	Asks if SOS gets many inquiries or complaints or comments about inaccuracies in the pamphlet.
	Neal	Responds the complaints are usually with measure arguments. Gives example of candidate who seemingly misrepresented the school but it was not totally wrong. Explains abbreviation of the school listed in the information.
211	Rep. Holvey	Asks if people call SOS about accuracy of information in the pamphlet.
	Neal	Responds SOS does get calls, but not many.
231	Rep. Farr	Asks if Neal has examples where someone made inflammatory remarks or false claims against their opponent in their Voters' Pamphlet statement.
	Neal	Responds negatively. States he has no recollection of instances where statements were made by a candidate about the opponent that was deemed by the opponent to be inaccurate. Generally, candidates want to talk about themselves. States one that comes to mind was on a measure argument and there is already a disclaimer in the Voters' Pamphlet.
255	Chair Kitts	Comments that people can write what they want in the Voters' Pamphlet. Things do happen and believes people assume that what they read is true. States this is a good bill.

270	Rep. Greenlick	Asks if they could formally sending the material in a contested election to both candidates and have some sort of adjudication process instead of having to take the case to court.
	Neal	Responds that SOS has not wanted to get in the middle of an election dispute between parties as to truthfulness.

297	Chair Kitts	Closes the public hearing and opens a work session on SB 858 A.
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SB 858 A – WORK SESSION

338	Rep. Thatcher	MOTION: Moves SB 858 A to the floor with a DO PASS recommendation.
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344		VOTE: 7-0-0
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AYE: In a roll call vote, all members present vote Aye.

	Chair Kitts	The motion CARRIES.
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353	Rep. Greenlick	MOTION: Moves SB 858 A be placed on the CONSENT CALENDAR.
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354		VOTE: 7-0-0
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	Chair Kitts	Hearing no objection, declares the motion CARRIED.
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355	Chair Kitts	Closes the work session on SB 858 A and opens a work session for the purpose of introduction of a committee measure.
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INTRODUCTION OF COMMITTEE MEASURE – WORK SESSION

363	Rep. Thatcher	MOTION: Moves LC 3614 (EXHIBIT B) BE INTRODUCED as a committee bill.
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368		VOTE: 7-0-0
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	Chair Kitts	Hearing no objection, declares the motion CARRIED.
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Chair Kitts

Closes the work session on introduction of committee measure and adjourns meeting at 2:16 p.m.

EXHIBIT SUMMARY

- A. **SB 858 A, prepared statement, Sen. Verger, 1 p**
- B. **Introductions, LC 3614, Larry Campbell, 17 pp,**