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LC00058/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO ELECTIONS -- TELEPHONE POLITICAL SOLICITATION ACT

Introduced By: Senator William A. Walaska

Date Introduced: January 09, 2007

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by adding thereto the following chapter:

CHAPTER 29

RECORDED TELEPHONE POLITICAL SOLICITATION ACT

~~17-29-1. Telephone Political Solicitation Act.~~ Recorded telephone political solicitation act. -- As used in this chapter, "recorded telephone political solicitation" and "recorded political call" are synonymous and mean the initiation of a telephone call, that contains an automated or recorded message, or the transmission of electronic text made by, on behalf of, or in connection with a political candidate, political party, political action committee, ballot issue, or other political purpose, including any related survey.

~~17-29-2. No political call list.~~ No recorded political call list. -- The recorded telephone political solicitation registry as defined in section 17-29-3 shall constitute the "no recorded political call list," established for the purposes of this chapter. No person or organization that wholly or partly engages in making recorded political telephone calls directly or through one or more persons either from a location in this state, or from a location outside this state to persons in this state, shall make or cause to be made any recorded telephone political calls to any residential, mobile, or telephonic paging device telephone number contained on the "no recorded political call list."

~~17-29-3. Telephone political solicitation registry.~~ Recorded telephone political

1 **solicitation registry. --** (a) The board of elections shall create, operate, and maintain a secure
2 electronic registry which shall consist of only telephone numbers of those telephone service
3 subscribers who have requested inclusion on the "no recorded political call list." The board shall
4 update the "no recorded political call list" within three (3) business days of receiving a request for
5 inclusion on the list.

6 (b) The board shall promulgate rules and regulations in order to establish, in part,
7 procedures for the implementation of this section.

8 (c) The "no recorded political call list" shall be made available and accessible on an
9 official State of Rhode Island internet website and in printed form.

10 **17-29-4. Violations. --** (a) A person or organization is in violation of this chapter if the
11 person or organization:

12 (1) Originates telephonic political solicitation using an automated or recorded message to
13 a telephone with a telephone number contained on the board of elections' telephone political
14 solicitation registry; or

15 (2) Transmits an electronic text message to the telephone or telephonic paging device
16 with a telephone number contained on the board of elections' telephone political solicitation
17 registry.

18 **17-29-8. Severability. --** If any provision of this chapter or any rule or regulation made
19 under this chapter, or the application of this chapter to any person or circumstance is held invalid
20 by any court of competent jurisdiction, the remainder of the chapter, rule or regulation and the
21 application of the provision to other persons or circumstances shall not be affected. The
22 invalidity of any section or sections or parts of any section of this chapter shall not affect the
23 validity of the remainder of the chapter.

24 SECTION 2. This act shall take effect upon passage.

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LC00058/SUB A/2
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ELECTIONS -- TELEPHONE POLITICAL SOLICITATION ACT

1 This act would prohibit any transmission, by telephone or other electronic means, of any
2 recorded message designed or tending to aid, injure or defeat any candidate or any question
3 submitted by the voters.

4 This act would further provide that whoever is found to have violated the foregoing shall
5 be guilty of a misdemeanor.

6 This act would take effect upon passage.

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LC00058/SUB A/2
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