

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 506**

**Representative Collier**

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**A BILL**

To amend section 4719.99 and to enact sections 1  
4719.25, 4719.251, 4719.252, 4719.253, 4719.254, 2  
4719.255, 4719.256, and 4719.257 of the Revised 3  
Code to prohibit making a political call without 4  
providing certain source identification, to 5  
prohibit initiating a political call that uses 6  
artificial or prerecorded voice messages to any 7  
telephone number that appears on a no-automated 8  
political call list to be developed, operated, and 9  
maintained by the Attorney General, and to provide 10  
for the act's enforcement by the Attorney General. 11

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4719.99 be amended and sections 12  
4719.25, 4719.251, 4719.252, 4719.253, 4719.254, 4719.255, 13  
4719.256, and 4719.257 of the Revised Code be enacted to read as 14  
follows: 15

**Sec. 4719.25.** As used in sections 4719.25 to 4719.257 of the 16  
Revised Code: 17

(A) "Campaign committee," "candidate," "legislative campaign 18  
fund," "political action committee," "political contributing 19  
entity," and "political party" have the same meanings as in 20

section 3517.01 of the Revised Code. 21

(B) "Political call" means a telephone call made by, on 22  
behalf of, or in connection with a candidate, campaign committee, 23  
political party, political action committee, political 24  
contributing entity, legislative campaign fund, ballot issue, or 25  
other political purpose, including any related survey. 26

Sec. 4719.251. (A) No person that wholly or partly engages in 27  
making political calls directly or through one or more persons 28  
either from a location in this state, or from a location outside 29  
this state to persons in this state, shall do either of the 30  
following: 31

(1) Make or cause to be made a political call without 32  
disclosing both of the following at the beginning of the call: 33

(a) The name of the entity that ultimately requested that the 34  
call be made or, otherwise, the name of the caller; 35

(b) If the call is a service for which payment is rendered, 36  
the name of the entity paying for that service. 37

(2) Initiate or cause to be initiated to a telephone number, 38  
more than thirty days after the number appears on the no-automated 39  
political call list provided under section 4719.252 of the Revised 40  
Code, any political call that uses artificial or prerecorded voice 41  
messages. 42

(B) If a political call is part of a telephone bank, as 43  
defined in section 3517.20 of the Revised Code, the political call 44  
shall include the disclaimer required under division (C) of that 45  
section with any information required to be disclosed at the 46  
beginning of a political call under division (A)(1) of this 47  
section. 48

Sec. 4719.252. (A)(1) The attorney general shall provide for 49

the development, operation, and maintenance of a secured 50  
electronic database constituting the "no-automated political call 51  
list," established for the purpose of division (A)(2) of section 52  
4719.251 of the Revised Code. The list shall be updated not less 53  
than quarterly and shall consist only of telephone numbers of 54  
those telephone service subscribers that have requested inclusion 55  
on the list in accordance with procedures prescribed by rule under 56  
division (B) of this section. The list also shall be made 57  
available in printed form. 58

(2) The attorney general may contract with any entity for the 59  
development, operation, and maintenance of the no-automated 60  
political call list. Any such contract shall be awarded to the 61  
lowest responsive and responsible bidder and shall require timely 62  
remittance to the attorney general of any distribution fee 63  
collected, as prescribed by rule under division (B) of this 64  
section. 65

(3) The no-automated political call list shall be made 66  
available to any person upon request pursuant to procedures 67  
prescribed by rule under division (B) of this section, which 68  
procedures shall include payment of the distribution fee. 69

(B) The attorney general shall adopt rules to carry out this 70  
section, including rules specifying a reasonable amount to be paid 71  
by a person as a distribution fee to obtain a copy of or access to 72  
the list. 73

(C) All fees required under division (B) of this section 74  
shall be paid or remitted to the attorney general and deposited to 75  
the credit of the no-automated political call list fund, which is 76  
hereby created in the state treasury, to be used for the purpose 77  
of paying the costs of developing, operating, and maintaining the 78  
list, including any costs arising under a contract authorized by 79  
division (A) of this section. 80

Sec. 4719.253. (A) The no-automated political call list and 81  
any information received or maintained by the attorney general or 82  
any contractor in a connection with a telephone number or 83  
subscriber for the purpose of developing, operating, and 84  
maintaining the list is not a public record for purposes of 85  
section 149.43 of the Revised Code. 86

(B) No person shall recklessly disclose or use such 87  
information for any purpose other than the purpose of developing, 88  
operating, or maintaining the list; enforcing section 4719.251 of 89  
the Revised Code; as necessary, pursuing an action under section 90  
4719.255 of the Revised Code; or, as necessary, complying with a 91  
lawful court order or subpoena directing disclosure of the list or 92  
other information. 93

Sec. 4719.254. Any company that provides a local telephone 94  
directory to a telephone service subscriber in this state shall 95  
include in the directory a notice describing the no-automated 96  
political call list and providing complete information on 97  
procedures the subscriber should follow to have its telephone 98  
number listed on the list. 99

Sec. 4719.255. (A) If, by the attorney general's own 100  
inquiries or as a result of complaints, the attorney general has 101  
reasonable cause to believe that a person has been or is engaged 102  
in an act or practice that violates a provision of section 103  
4719.251 of the Revised Code, the attorney general may do either 104  
of the following: 105

(1) Bring an action to obtain a declaratory judgment, 106  
temporary restraining order, or preliminary or permanent 107  
injunction. If the attorney general shows by a preponderance of 108  
the evidence that the person has violated or is violating a 109  
provision of section 4719.251 of the Revised Code, the court may 110

issue a temporary restraining order or preliminary or permanent injunction without bond. On motion of the attorney general, or its own motion, the court may impose a civil penalty of not more than five thousand dollars for each day of violation of any such order or injunction. 111  
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(2) Bring a class action on behalf of subscribers for damage caused by the violation. 116  
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(B) No action for recovery may be brought by the attorney general under division (A)(1) or (2) of this section more than two years after the occurrence of the violation. 118  
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(C) On motion of the attorney general and without bond, the court may make appropriate orders, including appointment of a referee or receiver, for sequestration of assets, to reimburse subscribers found to have been injured, or to grant other appropriate relief. The court may assess the expenses of a referee or receiver against the violator. Any money or property recovered by the attorney general in an action under division (A)(2) of this section that cannot with due diligence within five years be restored to subscribers shall be unclaimed funds subject to Chapter 169. of the Revised Code. 121  
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(D) In addition to the other remedies provided in this section, the attorney general may request, and the court may impose, a civil penalty of not more than two thousand dollars for each violation of section 4719.251 of the Revised Code. 131  
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(E) Civil penalties ordered under division (A)(1) or (D) of this section shall be paid as follows: one-fourth of the amount to the treasurer of the county in which the action is brought and three-fourths to the political calling enforcement fund, which is hereby created in the state treasury, to be used to pay the costs of the office of the attorney general in enforcing section 4719.251 of the Revised Code. 135  
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Sec. 4719.256. It is an affirmative defense in an action 142  
brought under section 4719.255 of the Revised Code that the 143  
defendant established and implemented, with due care, reasonable 144  
practices and procedures to prevent the alleged violation. If the 145  
court holds that the defendant purposely or knowingly violated a 146  
provision of section 4719.251 of the Revised Code, the court may 147  
increase the amount of any award by up to three times. 148

Sec. 4719.257. The powers, remedies, and penalties provided 149  
by sections 4719.25 to 4719.256 of the Revised Code are in 150  
addition to any other power, remedy, or penalty provided by law. 151

Sec. 4719.99. (A) Prior to July 1, 1996, whoever violates 152  
section 4719.02, 4719.05, or 4719.06, division (C), (D), or (E) of 153  
section 4719.07, section 4719.08, or division (A) of section 154  
4719.09 of the Revised Code is guilty of a felony of the fourth 155  
degree. On or after July 1, 1996, whoever violates section 156  
4719.02, 4719.05, or 4719.06, division (C), (D), or (E) of section 157  
4719.07, section 4719.08, or division (A) of section 4719.09 of 158  
the Revised Code is guilty of a felony of the fifth degree. 159

(B) Whoever violates division (B) of section 4719.253 of the 160  
Revised Code is guilty of a misdemeanor of the fourth degree on a 161  
first offense and a felony of the fifth degree on each subsequent 162  
offense. 163

**Section 2.** That existing section 4719.99 of the Revised Code 164  
is hereby repealed. 165