

AMENDMENTS TO SENATE BILL NO. 383

Sponsor: SENATOR DUSH

Printer's No. 327

1 Amend Bill, page 2, line 1, by inserting after "(d)"

2 (1)

3 Amend Bill, page 2, line 2, by striking out "to solicit" and
4 inserting

5 , directly or through an agent or intermediary, to solicit or
6 accept

7 Amend Bill, page 2, line 5, by striking out "agreement" and
8 inserting

9 consent

10 Amend Bill, page 2, by inserting between lines 5 and 6

11 (2) Express and affirmative consent of the contributor under
12 clause (1) shall require clear and affirmative action of the
13 contributor to make or agree to make the recurring contribution.
14 Passive action by the contributor, including failure to uncheck
15 a pre-checked box authorizing a recurring contribution, shall
16 not constitute clear and affirmative action of the contributor.

17 (3) A candidate or political committee that accepts a
18 recurring contribution under clause (1) shall do all of the
19 following:

20 (i) Provide a receipt to the contributor that clearly and
21 conspicuously discloses all terms of the recurring contribution
22 within three (3) days after the initial contribution is received
23 and within three (3) days after each recurring contribution is
24 received.

25 (ii) Provide all necessary information to cancel the
26 recurring contribution in each communication with the
27 contributor that concerns the contribution.

28 (iii) Immediately cancel a recurring contribution upon
29 request of the contributor.

30 (4) (i) Each time a candidate or political committee
31 solicits from a person a recurring contribution under clause
32 (1), or accepts an initial recurring contribution under clause
33 (1) without the express and affirmative consent of the person,

1 shall constitute a separate violation of this subsection subject
2 to a penalty of up to five thousand dollars (\$5,000) for each
3 occurrence.

4 (ii) A candidate or political committee that accepts a
5 recurring contribution under clause (1) without the express and
6 affirmative consent of the person in violation of this
7 subsection is liable for a fine not to exceed three (3) times
8 the aggregate amount of the subsequent recurring contributions
9 received if all of the following conditions are satisfied:

10 (A) The candidate or political committee knew or should have
11 known that the solicitation required express and affirmative
12 consent.

13 (B) The candidate or political committee knew or should have
14 known that the contributor did not provide express and
15 affirmative consent for making the recurring contributions.

16 (C) The recurring contributions, in the aggregate, exceed
17 one thousand dollars (\$1,000).

18 (5) A recurring contribution under clause (1) accepted
19 without the express and affirmative consent of the person shall
20 be returned to the contributor within fourteen (14) days of the
21 earlier of the receipt of a request from the contributor to
22 return the contribution or the date on which the candidate or
23 political committee becomes aware that the solicitation of the
24 recurring contribution was in violation of this subsection. A
25 contribution accepted after a contributor requested to cancel a
26 recurring contribution shall be returned to the contributor
27 within fourteen (14) days of the request to cancel the recurring
28 contribution.

29 (6) For purposes of this subsection, the term "recurring
30 contribution" means a contribution from a person to a candidate
31 or political committee that is automatically charged to the
32 person's bank account, credit card or other payment account on a
33 repeated basis without subsequent approval or any other
34 subsequent express and affirmative consent by the person after
35 the person's initial contribution to the candidate or political
36 committee.

37 (7) This subsection shall apply to contributions occurring
38 or solicited on or after the effective date of this paragraph.