

**SENATE BILL REPORT**

**SB 6289**

**AS OF JANUARY 25, 1994**

**Brief Description:** Defining the term "telemarketing."

**SPONSORS:** Senators Quigley, Bauer, A. Smith, West and Winsley

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Martin Lovinger (786-7443)

**Hearing Dates:** January 27, 1994

**BACKGROUND:**

The telephone has become an essential campaign tool, but it is subject to abuse. A major complaint involves the use of telephone polls to spread negative information about an opposing candidate. It is felt that this is a particularly unfair practice because it denies the person so attacked the opportunity to respond, or even to know of the attack. In addition, it is also viewed as unfair because telephone polls are often perceived as being nonpartisan, thus giving more weight to the negative information provided.

It is believed that requiring the disclosure of the sponsor of a telephone poll in which negative information about an opponent is provided will put the matter in a proper perspective.

**SUMMARY:**

Telemarketing is added to the list of activities that are labeled political advertising.

Telemarketing is defined as an organized program of contacting individuals by telephone.

Telephone polling in which people are contacted at random and no representations are made concerning a person's characteristics or positions on issues, other than about the person on whose behalf the poll is being conducted are exempt from the definition of telemarketing.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested