
HOUSE BILL No. 1174

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-32.5; IC 3-5-2-32.7; IC 3-9; IC 3-13-1-10.5; IC 3-13-2-7; P.L.4-1996, SECTION 114.

Synopsis: Election law. Prescribes the ballot language for two public questions submitting amendments to the Constitution of the State of Indiana to the electorate at the 1998 general election. (The proposed amendments to the Constitution of the State of Indiana concern voting rights and the residence of the auditor of state, the secretary of state, and the treasurer of state.) Makes the following changes in campaign finance law: (1) Defines the nomination date for a candidate selected to fill a candidate vacancy, a candidate nominated by petition, and for write-in candidates. (2) Requires electronic submission of campaign
(Continued next page)

Effective: Upon passage; July 1, 1997 (retroactive); January 1, 1998 (retroactive); July 1, 1998.

Kromkowski

January 8, 1998, read first time and referred to Committee on Elections and Apportionment.

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finance reports to conform to formats approved by the election commission and other standards. (3) Specifies campaign finance report filing deadlines. (4) Provides that the election division or a county election board may, but is not required to, accept filings by facsimile transmission. (5) Specifies that a committee is required to report an individual contributor's occupation only if the amount of contributions given or loans made to the committee exceed the threshold amount. (6) Provides that a report of a large contribution is required to be filed not later than noon four days before the election. (Current law provides that the report is required to be filed not later than noon five days before the election.) (7) Provides that certain information about campaign finance laws must be provided to candidates who fill candidate vacancies. (Current law requires that this information must be provided to all other individuals who become candidates.) (8) Provides that the campaign finance computer data base must have campaign finance reports for calendar years 1997 and 1998 in searchable and digital form and the reports must be available on the Internet after December 31, 1998, but before January 1, 2000. (9) Specifies that legislative caucus committees and national party affiliate committees are political action committees through December 31, 1997. (10) Specifies reporting requirements under the 1997 campaign finance amendments for reports required during 1997. (11) Includes language from federal regulations relating to the federal disclaimer law in Indiana's election disclaimer statute to provide an exemption for campaign materials for which it is difficult to include the disclaimer language, for communications from a corporate political action committee soliciting contributions from stockholders, executives, or employees of the corporation, for communications from a political action committee organized by a labor organization soliciting contributions from members or executive personnel of the labor organization, and for direct mailings of 100 items or less. Creates standards for size, readability, and placement of disclaimers on materials. Specifies requirements for information that must be included in a disclaimer on certain materials. (12) Repeals the definition of national party affiliate committee and another obsolete statute. (13) Makes other technical changes to the campaign finance law. (The introduced version of this bill was prepared by the census data advisory committee.)

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1174



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-32.7, AS ADDED BY P.L.3-1997, SECTION
- 2 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
- 3 PASSAGE]: Sec. 32.7. "Nomination date" refers to the following:
- 4 (1) For candidates nominated in a primary election, the date of the
- 5 primary election.
- 6 (2) For candidates nominated in a convention, the date of the
- 7 convention is **scheduled to be called to order, according to the**
- 8 **call of the convention issued by the political party.**
- 9 (3) For candidates selected to fill a ballot vacancy, the date the
- 10 certificate of selection of the candidate is filed under
- 11 IC 3-13-1-15 or IC 3-13-2-8.
- 12 (4) For candidates nominated by petition, the final date the
- 13 petition of nomination is permitted to be filed under
- 14 IC 3-8-6-10(c).
- 15 (5) For write-in candidates, the final date the candidate's

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1 **declaration of intent to be a write-in candidate is permitted to**
 2 **be filed under IC 3-8-2-4.**

3 SECTION 2. IC 3-9-1-4, AS AMENDED BY P.L.3-1997,
 4 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 4. A committee must include
 6 in its statement of organization the following:

- 7 (1) The name and address of the committee.
 8 (2) The purpose for which the committee is formed, **unless the**
 9 **committee is a candidate's committee that identifies a specific**
 10 **office sought by the candidate.**
 11 (3) The name and address of the chairman and treasurer.
 12 (4) If applicable, the name, address, office sought, and political
 13 party affiliation or independent status of each candidate whom the
 14 committee is supporting.
 15 (5) If the committee is **a legislative caucus committee, political**
 16 **action committee, or regular party committee, and is**
 17 supporting the entire ticket of a political party, the name of the
 18 party.
 19 (6) If the committee is **a political action committee** supporting
 20 or opposing a public question, a brief statement of the question
 21 supported or opposed.
 22 (7) A listing of all banks, safety deposit boxes, and other
 23 depositories used.
 24 (8) Other information prescribed by the commission under
 25 IC 3-6-4.1-14(a)(3).

26 SECTION 3. IC 3-9-2-13, AS ADDED BY P.L.3-1997, SECTION
 27 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 28 PASSAGE]: Sec. 13. An individual may not ~~make~~ **solicit** or receive a
 29 contribution in violation of the following statutes:

- 30 (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).
 31 (2) IC 4-23-7.1-38 (Indiana State Library).
 32 (3) IC 4-23-7.2-17 (Indiana Historical Bureau).
 33 (4) IC 8-23-2-3 (Indiana Department of Transportation).
 34 (5) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural
 35 Resources).

36 SECTION 4. IC 3-9-3-2.5, AS ADDED BY P.L.3-1997, SECTION
 37 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 38 PASSAGE]: Sec. 2.5. (a) This section does not apply to any of the
 39 following:

- 40 (1) A communication relating to an election to a federal office.
 41 (2) A communication relating to the outcome of a public question.
 42 (3) A communication in a medium regulated by federal law.



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- 1 (4) Bumper stickers, pins, buttons, pens, and similar small
 2 items upon which the disclaimer required by this section
 3 cannot be conveniently printed.
- 4 (5) Skywriting, water towers, wearing apparel, or other
 5 means of displaying an advertisement of such a nature that
 6 the inclusion of a disclaimer would be impracticable.
- 7 (6) Checks, receipts, and similar items of minimal value that
 8 do not contain a political message and are used for purely
 9 administrative purposes.
- 10 (7) A communication by a political action committee
 11 organized and controlled by a corporation soliciting
 12 contributions to the political action committee by the
 13 stockholders, executives, or employees of the corporation and
 14 the families of those individuals.
- 15 (8) A communication by a political action committee
 16 organized and controlled by a labor organization soliciting
 17 contributions to the political action committee by the
 18 members or executive personnel of the labor organization and
 19 the families of those individuals.
- 20 (9) A direct mailing of one hundred (100) or fewer
 21 substantially similar pieces of mail by any person.
- 22 (b) This section applies whenever a person:
- 23 (1) makes an expenditure for the purpose of financing
 24 communications expressly advocating the election or defeat of a
 25 clearly identified candidate; or
- 26 (2) solicits a contribution;
- 27 through a newspaper, a magazine, an outdoor advertising facility, a
 28 poster, a yard sign, a direct mailing, or any other type of general
 29 public political advertising.
- 30 (c) For purposes of this section, a candidate is clearly identified if
 31 any of the following apply:
- 32 (1) The name of the candidate involved appears.
- 33 (2) A photograph or drawing of the candidate appears.
- 34 (3) The identity of the candidate is apparent by unambiguous
 35 reference.
- 36 (d) A communication described in subsection (b) must **contain a**
 37 **disclaimer that appears and is presented in a clear and conspicuous**
 38 **manner to give the reader or observer adequate notice of the**
 39 **identity of persons who paid for and, when required, who**
 40 **authorized the communication. A disclaimer does not comply with**
 41 **this section if the disclaimer is difficult to read or if the placement**
 42 **of the disclaimer is easily overlooked.**

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1 (e) A communication that would require a disclaimer if
 2 distributed separately must contain the required disclaimer if
 3 included in a package of materials.

4 (f) This subsection does not apply to a communication, such as
 5 a billboard, that contains only a front face. The disclaimer need not
 6 appear on the front or cover page of the communication if the
 7 disclaimer appears within the communication.

8 (g) Except as provided in subsection (h), a communication
 9 described in subsection (b) must satisfy one (1) of the following:

10 (1) If the communication is paid for and authorized by:

11 (A) a candidate;

12 (B) an authorized political committee of a candidate; or

13 (C) the committee's agents;

14 the communication must clearly state that the communication has
 15 been paid for by the authorized political committee.

16 (2) If the communication is paid for by other persons but
 17 authorized by:

18 (A) a candidate;

19 (B) an authorized political committee of a candidate; or

20 (C) the committee's agents;

21 the communication must clearly state that the communication is
 22 paid for by the other persons and authorized by the authorized
 23 political committee.

24 (3) If the communication is not authorized by:

25 (A) a candidate;

26 (B) an authorized political committee of a candidate; or

27 (C) the committee's agents;

28 the communication must clearly state the name of the person who
 29 paid for the communication and state that the communication is
 30 not authorized by any candidate or candidate's committee.

31 (4) If the communication is a solicitation directed to the
 32 general public on behalf of a political committee that is not a
 33 candidate's committee, the solicitation must clearly state the
 34 full name of the person who paid for the communication.

35 (h) A communication by a regular party committee consisting
 36 of:

37 (1) a printed slate card, a sample ballot, or other printed
 38 listing of at least three (3) candidates for public office at an
 39 election;

40 (2) campaign materials such as handbills, brochures, posters,
 41 party tabloids or newsletters, and yard signs distributed by
 42 volunteers and used by the regular party committee in

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1 connection with volunteer activities on behalf of any nominee
 2 of the party; or
 3 (3) materials distributed by volunteers as part of the regular
 4 party's voter registration or get-out-the-vote efforts;
 5 must clearly state the name of the person who paid for the
 6 communication but is not required to state that the communication
 7 is authorized by any candidate or committee.

8 SECTION 5. IC 3-9-4-4, AS AMENDED BY P.L.3-1997,
 9 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The election division
 11 shall develop a filing, coding, and cross-indexing system consistent
 12 with the purposes of this article. The election division and each county
 13 election board shall use the filing, coding, and cross-indexing system.
 14 The coding system must provide:

- 15 (1) codes to account for various campaign expenditure items; and
 16 (2) a clear explanation of the kinds of expenditure items that must
 17 be accounted for under each code.

18 (b) The election division shall develop and use a computer system
 19 to store campaign finance reports required to be filed under IC 3-9-5-6,
 20 ~~and~~ IC 3-9-5-10, **and IC 3-9-5-20**. The computer system must enable
 21 the election division to do the following:

- 22 (1) Identify all candidates or committees that received
 23 contributions from a contributor over the past three (3) years.
 24 (2) Identify all contributors to a candidate or committee over the
 25 past three (3) years.
 26 (3) Provide for electronic submission, retrieval, storage, and
 27 disclosure of campaign finance reports of candidates for the
 28 following:
 29 (A) Legislative office.
 30 (B) State office.

31 The election division shall provide training at no cost to
 32 candidates to enable candidates described in this subdivision to
 33 file campaign finance reports electronically.

34 (c) **This subsection applies to an electronic submission under**
 35 **subsection (b)(3). An electronic submission must be in a format**
 36 **previously approved by the commission that permits the election**
 37 **division to print out a hard copy of the report upon the receipt of**
 38 **the electronic submission from the candidate. Filing of a report**
 39 **occurs under IC 3-5-2-24.5 when the hard copy is printed out and**
 40 **the election division records the date and time of the printout on**
 41 **the hard copy. If a discrepancy exists between the text of the**
 42 **electronic submission and the printed report, the text of the printed**



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1 **report prevails until an amendment is filed under this article to**
 2 **correct the discrepancy.**

3 **(d) The election division is not required to accept an electronic**
 4 **submission unless the submission complies with subsection (b)(3).**
 5 **Upon receiving approval from the commission, the election division**
 6 **may accept an electronic submission from candidates, committees,**
 7 **or persons described in subsection (b)(3).**

8 ~~(c)~~ (e) The election division shall make campaign finance reports
 9 stored on the computer system under subsection (b) available to the
 10 general public through an on-line service.

11 SECTION 6. IC 3-9-4-14, AS AMENDED BY P.L.3-1997,
 12 SECTION 195, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The election division
 14 and each county election board shall do all of the following:

15 (1) Ascertain whether candidates, committees, or other persons
 16 have:

17 (A) failed to file statements of organization or reports; or ~~have~~
 18 (B) filed defective statements of organization or reports.

19 (2) Give the following notices:

20 (A) To delinquents to file a statement of organization or a
 21 report immediately upon receipt of the notice. A delinquency
 22 notice must be given not later than thirty (30) days after ~~each~~
 23 **election: the date the report was required to be filed.** The
 24 ~~commission~~ **election division** or a county election board may,
 25 but is not required to, give delinquency notices at other times.

26 (B) To persons filing defective reports to make a supplemental
 27 statement or report correcting all defects not later than noon
 28 five (5) calendar days after receipt of the notice.

29 (3) Make available for public inspection a list of delinquents and
 30 persons who have failed to file the required supplemental
 31 statement or report. The election division and each county
 32 election board shall post a list of delinquents in a public place at
 33 or near the entrance of the commission's or board's respective
 34 offices.

35 (b) The election division shall mail:

36 (1) to each candidate ~~and treasurer of the candidate's committee;~~
 37 **required to file a campaign finance report with the election**
 38 **division;** and

39 (2) twenty-one (21) days before the campaign finance reports are
 40 due;

41 the proper campaign finance report forms and a notice that states the
 42 date the campaign finance reports are due. The election division is

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1 required to mail notices and forms only to candidates for state offices
 2 and legislative offices. A county election board may, but is not required
 3 to, implement this subsection for candidates for local offices.

4 (c) Notwithstanding any notice given to a delinquent under
 5 subsection (a) or (b), the delinquent remains liable for a civil penalty
 6 in the full amount permitted under this chapter for failing to file a
 7 campaign finance report or statement of organization not later than the
 8 date and time prescribed under this article.

9 SECTION 7. IC 3-9-4-18, AS AMENDED BY P.L.3-1997,
 10 SECTION 198, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section,
 12 "delinquent **or defective** report" refers to a campaign finance report **or**
 13 **statement of organization:**

14 (1) that was required to be filed under IC 3-9-5 but was not filed
 15 in the manner required under IC 3-9-5; and

16 (2) for which a person was assessed a civil penalty under section
 17 16 or 17 of this chapter.

18 (b) As used in this section, "election board" refers to the following:

19 (1) The commission if a civil penalty was assessed under section
 20 16 of this chapter.

21 (2) The county election board if a civil penalty was assessed
 22 under section 17 of this chapter.

23 (c) As used in this section, "person" refers to a person who:

24 (1) has been assessed a civil penalty under section 16 or 17 of this
 25 chapter; and

26 (2) has filed a declaration of candidacy, a petition of nomination,
 27 or a declaration of intent to be a write-in candidate in a
 28 subsequent election or for whom a certificate of nomination has
 29 been filed.

30 (d) A person who does both of the following is relieved from further
 31 civil liability under this chapter for the delinquent **or defective** report:

32 (1) Files the delinquent report **or amends the defective report**
 33 from the previous candidacy:

34 (A) before filing a report required under IC 3-9-5-6; or

35 (B) at the same time the person files the report required under
 36 IC 3-9-5-6;

37 for a subsequent candidacy.

38 (2) Pays all civil penalties assessed under section 16 or 17 of this
 39 chapter for the delinquent report.

40 (e) This subsection applies to a person who:

41 (1) is assessed a civil penalty under this chapter; and

42 (2) is elected to office in the subsequent election.

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1 The election board may order the auditor of state or the fiscal officer of
 2 the political subdivision responsible for issuing the person's payment
 3 for serving in office to withhold from the person's paycheck the amount
 4 of the civil penalty assessed under this chapter. If the amount of the
 5 paycheck is less than the amount of the civil penalty, the auditor **or**
 6 **fiscal officer** shall continue withholding money from the person's
 7 paycheck until an amount equal to the amount of the civil penalty has
 8 been withheld.

9 (f) The auditor of state or fiscal officer shall deposit an amount
 10 **paid, recovered, or** withheld under this section in the election board's
 11 campaign finance enforcement account.

12 (g) Proceedings of the election board under this section are subject
 13 to IC 4-21.5.

14 SECTION 8. IC 3-9-5-1, AS AMENDED BY P.L.3-1997,
 15 SECTION 200, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in
 17 subsection (b), this chapter applies to candidates in all elections and
 18 caucuses and to the following types of committees:

- 19 (1) Candidate's committees.
- 20 (2) Regular party committees.
- 21 (3) Political action committees.
- 22 (4) A legislative caucus committee.

23 (b) This chapter does not apply to the following:

- 24 (1) Elections to local ~~or school board~~ offices for which the
 25 compensation is less than five thousand dollars (\$5,000) per year.
- 26 (2) Candidates for school board office except a candidate who is
 27 required to file a written instrument designating a principal
 28 committee under IC 3-9-1-5.
- 29 (3) Elections for precinct committeeman or delegate to a state
 30 convention.
- 31 (4) An auxiliary party organization.

32 SECTION 9. IC 3-9-5-6, AS AMENDED BY P.L.3-1997,
 33 SECTION 204, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 6. (a) **This**
 35 **subsection applies to a candidate's committee.** Except as otherwise
 36 provided in this chapter, each committee, ~~its the committee's~~ treasurer,
 37 and each candidate shall complete a report required by this chapter
 38 current and dated as of the following dates:

- 39 (1) Twenty-five (25) days before the nomination date.
- 40 (2) Twenty-five (25) days before the general, ~~or~~ municipal, **or**
 41 **special** election.
- 42 (3) The annual report filed and dated as required by section 10 of



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1 this chapter.

2 (b) In the case of a special election, each committee, each
3 committee's treasurer, and each candidate shall complete a report
4 required by this chapter current as of twenty-five (25) days before the
5 special election. **This subsection applies to a regular party
6 committee. Except as otherwise provided in this chapter, each
7 committee and the committee's treasurer shall complete a report
8 required by this chapter current and dated as of the following
9 dates:**

- 10 (1) **Twenty-five (25) days before a primary election.**
11 (2) **Twenty-five (25) days before a general, municipal, or
12 special election.**
13 (3) **The date of the annual report filed and dated as required
14 under section 10 of this chapter.**

15 (c) **This subsection applies to a legislative caucus committee.**
16 **Except as otherwise provided in this chapter, each committee and
17 the committee's treasurer shall complete a report required under
18 this chapter current and dated as of the following dates:**

- 19 (1) **Twenty-five (25) days before a primary election conducted
20 in an even-numbered year.**
21 (2) **Twenty-five (25) days before a general election conducted
22 in an even-numbered year.**
23 (3) **The date of the annual report filed and dated as required
24 under section 10 of this chapter.**

25 (d) **A legislative caucus committee is not required to file any
26 report concerning the committee's activity during an
27 odd-numbered year other than the annual report filed and dated
28 under section 10 of this chapter.**

29 SECTION 10. IC 3-9-5-7, AS AMENDED BY P.L.3-1997,
30 SECTION 205, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) ~~Persons~~ **A person** may
32 deliver reports to the appropriate office as follows:

- 33 (1) By hand.
34 (2) By mail.
35 (3) By electronic mail, if the appropriate office has the capacity
36 to:
37 (A) receive electronic mail; **and**
38 (B) **print out a hard copy of the report immediately upon
39 the receipt of the electronic mail by the office.**

40 (b) Reports must be filed as follows:

- 41 (1) Hand delivered reports **or reports that are mailed** must be
42 **received by filed with** the appropriate office during regular office



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1 hours not later than noon seven (7) days after the date of the
2 report.

3 (2) Reports delivered by electronic mail must be ~~received by~~ **filed**
4 **with** the appropriate office not later than noon seven (7) days
5 after the date of the report.

6 (3) Reports that are mailed must be postmarked not later than
7 noon seven (5) days after the date of the report.

8 (c) **This subsection applies to a report delivered by electronic**
9 **mail. Filing of a report occurs under IC 3-5-2-24.5 when the hard**
10 **copy is printed out and the office records the date and time of the**
11 **printout on the report. If a discrepancy exists between the text of**
12 **the electronic mail and the printed report, the text of the printed**
13 **report prevails until an amendment is filed under this article to**
14 **correct the discrepancy.**

15 (d) **An office is not required to accept a report or statement**
16 **required under this article by facsimile transmission. Upon**
17 **approval by the commission or a county election board the election**
18 **division or the county election board may accept the facsimile**
19 **transmission of a report or statement.**

20 SECTION 11. IC 3-9-5-8, AS AMENDED BY P.L.3-1997,
21 SECTION 206, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section applies to**
23 **a candidate for nomination to an office in a state convention who** (~~†~~)
24 **becomes a candidate less than twenty-five (25) days before the**
25 **nomination date for a candidate chosen at a convention. and 2 does**

26 (b) **A candidate is not required to file the required a report in**
27 **accordance with section 7 section 6(a)(1) of this chapter. The**
28 **candidate shall file the candidate's first report no later than noon**
29 **twenty (20) days after the nomination date for a candidate chosen at**
30 **a state convention.**

31 (~~†~~) (c) **The reporting period for a the first report required under for**
32 **a candidate this section begins on the date that the individual became**
33 **a candidate and ends on the day following the adjournment of the state**
34 **convention.**

35 SECTION 12. IC 3-9-5-8.2 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 8.2. (a) **This section applies to a candidate**
38 **who is nominated by petition under IC 3-8-6.**

39 (b) **A candidate is not required to prepare or file a report before**
40 **the nomination date.**

41 (c) **The period for the first report required for a candidate**
42 **begins on the date that the individual became a candidate and ends**



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1 **fourteen (14) days after the nomination date.**

2 SECTION 13. IC 3-9-5-8.4 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: **Sec. 8.4. (a) This section applies to a candidate
5 who files a declaration of intent to be a write-in candidate under
6 IC 3-8-2.**

7 **(b) A candidate is not required to prepare or file a report before
8 the nomination date.**

9 **(c) The period for the first report required for a candidate
10 begins on the date that the individual became a candidate and ends
11 fourteen (14) days after the nomination date.**

12 SECTION 14. IC 3-9-5-8.5, AS ADDED BY P.L.3-1997, SECTION
13 207, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
14 PASSAGE]: **Sec. 8.5. (a) This section applies to a candidate who is
15 selected to fill a vacancy on the ballot under IC 3-13-1 or IC 3-13-2.**

16 **(b) A candidate is not required to prepare or file a report before
17 the nomination date.**

18 **(c) Except as provided in subsection (d), the reporting period for
19 the candidate's committee first report required for a candidate
20 begins on the date that the individual became a candidate and ends
21 twenty-five (25) fourteen (14) days before after the election:
22 nomination date.**

23 **(d) This subsection applies to a candidate selected under
24 IC 3-13-2 to fill a vacancy on the ballot. A candidate is not required
25 to prepare or file a report before or after the nomination date. The
26 period for the first report required for a candidate begins on the
27 date that the individual became a candidate and ends December 31
28 following the election.**

29 SECTION 15. IC 3-9-5-14, AS AMENDED BY P.L.253-1997(ss),
30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 1998]: **Sec. 14. (a) As used in this section, "threshold
32 contribution amount" refers to the following:**

33 (1) For contributions made to a candidate's committee, a
34 legislative caucus committee, or a political action committee, one
35 hundred dollars (\$100).

36 (2) For contributions made to a regular party committee, two
37 hundred dollars (\$200).

38 **(b) The report of each committee's treasurer must disclose the
39 following:**

40 (1) The amount of cash on hand and the value of any investments
41 made by the committee at the beginning of the reporting period.

42 (2) The total sum of individual contributions including

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- 1 transfers-in, accepted by the committee during its reporting
2 period.
- 3 (3) The following information regarding each person who has
4 made one (1) or more contributions within the year, in an
5 aggregate amount that exceeds the threshold contribution amount
6 in actual value to or for the committee, including the purchase of
7 tickets for events such as dinners, luncheons, rallies, and similar
8 fundraising events:
- 9 (A) The full name of the person.
10 (B) The full mailing address of the person making the
11 contribution.
12 (C) The person's occupation, if the person is an individual who
13 has made contributions **to the committee** of at least one
14 thousand dollars (\$1,000) during the calendar year.
15 (D) The date and amount of each contribution.
- 16 (4) The name and address of each committee from which the
17 reporting committee received, or to which that committee made,
18 a transfer of funds, together with the amounts and dates of all
19 transfers.
- 20 (5) If the reporting committee is a candidate's committee, the
21 following information about each other committee that has
22 reported expenditures to the reporting candidate's committee
23 under section 15 of this chapter:
- 24 (A) The name and address of the other committee.
25 (B) The amount of expenditures reported by the other
26 committee.
27 (C) The date of the expenditures reported by the other
28 committee.
29 (D) The purpose of the expenditures reported by the other
30 committee.
- 31 (6) Each loan to or from a person within the reporting period
32 together with the following information:
- 33 (A) The full names and mailing addresses of the lender and
34 endorsers, if any.
35 (B) The person's occupation, if the person is an individual who
36 has made loans of at least one thousand dollars (\$1,000) **to the**
37 **committee** during the calendar year.
38 (C) The date and amount of the loans.
- 39 (7) The total sum of all receipts of the committee during the
40 reporting period.
- 41 (8) The full name, mailing address, occupation, and principal
42 place of business, if any, of each person other than a committee

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1 to whom an expenditure was made by the committee or on behalf
2 of the committee within the year in an aggregate amount that:

3 (A) exceeds one hundred dollars (\$100), in the case of a
4 candidate's committee, **legislative caucus committee**, or
5 political action committee; or

6 (B) exceeds two hundred dollars (\$200), in the case of a
7 regular party committee.

8 (9) The name, address, and office sought by each candidate for
9 whom any expenditure was made or a statement identifying the
10 public question for which any expenditure was made, including
11 the amount, date, and purpose of each expenditure.

12 (10) The full name, mailing address, occupation, and principal
13 place of business, if any, of each person to whom an expenditure
14 for personal services, salaries, or reimbursed expenses was made
15 within the year in an aggregate amount that:

16 (A) exceeds one hundred dollars (\$100), in the case of a
17 candidate's committee, **legislative caucus committee**, or
18 political action committee; or

19 (B) exceeds two hundred dollars (\$200), in the case of a
20 regular party committee;

21 and that is not otherwise reported, including the amount, date, and
22 purpose of the expenditure.

23 (11) The total sum of expenditures made by the committee during
24 the reporting period.

25 (12) The amount and nature of debts owed by or to the committee,
26 and a continuous reporting of the debts after the election at the
27 times ~~that the board requires~~ **required under this article** until the
28 debts are extinguished.

29 SECTION 16. IC 3-9-5-20, AS ADDED BY P.L.3-1997, SECTION
30 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
31 PASSAGE]: Sec. 20. (a) This section applies only to a large
32 contribution that satisfies all of the following:

33 (1) The contribution is received by a candidate, the candidate's
34 committee, or the treasurer of the candidate's committee.

35 (2) The contribution is received:

36 (A) not more than twenty-five (25) days before an election;
37 and

38 (B) not less than five (5) days before an election.

39 (b) As used in this section, "election" refers to any of the following:

40 (1) A primary election.

41 (2) A general election.

42 (3) A municipal election.

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- 1 (4) A special election.
- 2 (5) For candidates nominated at a state convention, the state
- 3 convention.
- 4 (c) As used in this section, "large contribution" means a contribution
- 5 of at least one thousand dollars (\$1,000).
- 6 (d) The treasurer of a candidate's committee shall file a report of
- 7 large contributions not later than noon ~~five (5)~~ **four (4)** days before the
- 8 election.
- 9 (e) A report required by subsection (d) must contain all of the
- 10 following information for each large contribution:
- 11 (1) The name of the person making the contribution.
- 12 (2) The address of the person making the contribution.
- 13 (3) If the person making the contribution is an individual, the
- 14 individual's occupation.
- 15 (4) The amount of the contribution.
- 16 (5) The date the contribution was received by the treasurer, the
- 17 candidate, or the candidate's committee.
- 18 (f) If no large contributions were received, the treasurer of the
- 19 committee shall report that fact.
- 20 (g) The commission shall prescribe the form for the report required
- 21 by this section.
- 22 SECTION 17. IC 3-13-1-10.5, AS AMENDED BY P.L.3-1997,
- 23 SECTION 382, IS AMENDED TO READ AS FOLLOWS
- 24 [EFFECTIVE UPON PASSAGE]: Sec. 10.5. **(a)** A person who wishes
- 25 to be a candidate for appointment to fill a candidate vacancy under this
- 26 chapter must file a declaration of candidacy on a form prescribed by
- 27 the commission with:
- 28 (1) the chairman of the caucus; and
- 29 (2) the official who is required to receive a certificate of candidate
- 30 selection following the caucus under section 15 of this chapter;
- 31 at least seventy-two (72) hours before the time fixed for the caucus.
- 32 **(b) The form prescribed under subsection (a) must include a**
- 33 **statement that the candidate:**
- 34 **(1) is aware of the provisions of IC 3-9 regarding campaign**
- 35 **finance and the reporting of campaign finance contributions**
- 36 **and expenditures; and**
- 37 **(2) agrees to comply with the provisions of IC 3-9.**
- 38 **The candidate must separately sign the statement required by this**
- 39 **subsection.**
- 40 **(c) The commission shall provide that the form prescribed**
- 41 **under subsection (a) includes the following information near the**
- 42 **separate signature:**

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(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

SECTION 18. IC 3-13-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The selection of a person as a candidate under this chapter is not effective unless:

- (1) the person's written consent is obtained and filed:
 - (A) in the office in which certificates and petitions of nomination must be filed; and
 - (B) when the certificate is filed; and
- (2) the candidate has complied with any requirement under IC 3-8-1-33 to file a statement of economic interests.

(b) The written consent under subsection (a) must include a statement that the candidate:

- (1) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign finance contributions and expenditures; and**
- (2) agrees to comply with the provisions of IC 3-9.**

The candidate must separately sign the statement required by this subsection.

(c) The commission shall prescribe the form of the written consent under subsection (a) and shall include the following information near the separate signature:

- (1) The dates for filing campaign finance reports under IC 3-9.**
- (2) The penalties for late filing of campaign finance reports under IC 3-9.**

SECTION 19. IC 3-5-2-32.5 IS REPEALED [EFFECTIVE JULY 1, 1997 (RETROACTIVE)].

SECTION 20. IC 3-9-5-21 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 21. P.L.4-1996, SECTION 114, AS AMENDED BY P.L.3-1997, SECTION 473, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) As used in this SECTION, "computer system" refers to the computer system described in IC 3-9-4-4.

(b) Notwithstanding IC 3-9-4-4, the election division is not required to have the computer system operational before April 1, 1998.

(c) Notwithstanding IC 3-9-4-4, not later than April 2, 1998, the computer system is only required to make the annual reports required to be filed under IC 3-9-5-10 for calendar year 1997 in searchable,

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1 digital form available on the Internet.

2 (d) Notwithstanding IC 3-9-4-4, after December 31, 1998, and
3 before January 1, 2000, the computer system is required to ~~do only the~~
4 following:

5 (1) Identify all contributors and committees that received
6 contributions from a contributor during 1997 and 1998.

7 (2) Identify all candidates and committees that received
8 contributors to a candidate or committee during 1997 and 1998.

9 **make the reports required to be filed under IC 3-9-5 for reporting**
10 **periods including all or part of calendar years 1997 and 1998 in**
11 **searchable, digital form available on the Internet.**

12 (e) This SECTION expires January 1, 2000.

13 SECTION 22. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] (a)
14 **This SECTION applies to a political action committee in existence**
15 **on June 30, 1997, that is redefined as:**

16 (1) a legislative caucus committee; or

17 (2) a national party affiliate committee;

18 **under IC 3-5-2, as amended by P.L.3-1997.**

19 (b) Notwithstanding IC 3-5-2, as amended by P.L.3-1997, a
20 legislative caucus committee or a national party affiliate committee
21 is considered a political action committee for all purposes under
22 IC 3 before January 1, 1998.

23 (c) A legislative caucus committee under this SECTION shall
24 file a statement of organization with the election division not later
25 than January 21, 1998, reflecting the committee's status as a
26 legislative caucus committee.

27 (d) This SECTION expires December 31, 1998.

28 SECTION 23. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] (a)
29 Notwithstanding IC 3-9-1-23, as amended by P.L.3-1997,
30 SECTION 176, before January 1, 1998, the treasurer of a
31 committee listed in IC 3-9-1-1(a) is required only to keep an
32 account of the items that were required under IC 3-9-1-23 before
33 the amendment to IC 3-9-1-23 took effect July 1, 1997.

34 (b) Notwithstanding IC 3-9-2-9, as amended by P.L.3-1997,
35 SECTION 178, a contribution transferred to the treasurer of a
36 committee listed in IC 3-9-1-1(a) before January 1, 1998, must
37 include only the information that was required under IC 3-9-2-9
38 before the amendment to IC 3-9-2-9 took effect July 1, 1997.

39 (c) This SECTION expires December 31, 1998.

40 SECTION 24. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] (a)
41 **This SECTION applies to a report that must be filed under**
42 **IC 3-9-5:**



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1 (1) by a candidate's committee, a legislative caucus committee,
2 or a political action committee not later than noon January
3 21, 1998; or

4 (2) by a regular party committee not later than noon March
5 2, 1998.

6 (b) Notwithstanding IC 3-9-5, as amended by P.L.3-1997:

7 (1) a report described by subsection (a); and

8 (2) the records maintained by a committee treasurer under
9 IC 3-9-5-14;

10 must only comply with the requirements of IC 3-9-5 that were in
11 effect on January 1, 1997.

12 (c) This SECTION expires March 3, 1998.

13 SECTION 25. [EFFECTIVE UPON PASSAGE] (a) The
14 amendment to Article 2, Sections 2, 3, and 14 and to Article 16,
15 Section 1 of the Constitution of the State of Indiana agreed to by
16 the One Hundred Ninth General Assembly and the One Hundred
17 Tenth General Assembly of the State of Indiana shall be submitted
18 to the electors of the state at the 1998 general election, in the
19 manner provided for the submission of constitutional amendments
20 under IC 3.

21 (b) Under Article 16, Section 1 of the Constitution of the State
22 of Indiana, which requires the general assembly to submit
23 constitutional amendments to the electors, and in accordance with
24 IC 3-10-3, the general assembly prescribes the form in which the
25 public question concerning the ratification of this state
26 constitutional amendment must appear on the 1998 general
27 election ballot:

28 PUBLIC QUESTION #1

29 Shall the Constitution of the State of Indiana be amended to
30 protect a person's right to vote when the person moves to a new
31 residence within Indiana during the last 30 days before an election,
32 and to update other election procedures? (This question concerns
33 Article 2, Sections 2, 3, and 14, and Article 16, Section 1 of the
34 Constitution of the State of Indiana.)

35 (c) The amendment to Article 6, Section 5 of the Constitution of
36 the State of Indiana agreed to by the One Hundred Ninth General
37 Assembly and the One Hundred Tenth General Assembly of the
38 State of Indiana shall be submitted to the electors of the state at the
39 1998 general election, in the manner provided for the submission
40 of constitutional amendments under IC 3.

41 (d) Under Article 16, Section 1 of the Constitution of the State
42 of Indiana, which requires the general assembly to submit



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1 constitutional amendments to the electors, and in accordance with
2 IC 3-10-3, the general assembly prescribes the form in which the
3 public question concerning the ratification of this state
4 constitutional amendment must appear on the 1998 general
5 election ballot:

6 **PUBLIC QUESTION #2**

7 Shall the Constitution of the State of Indiana be amended to
8 permit a person serving as auditor of state, secretary of state, or
9 treasurer of state to reside anywhere in Indiana (not only at the
10 seat of state government)? (This question concerns Article 6,
11 Section 5 of the Constitution of the State of Indiana.)

12 (e) The election division and each county election board shall
13 have the statements set forth in subsections (b) and (d) printed on
14 the ballots only in the manner specified by this SECTION.

15 (f) This SECTION expires December 31, 1998.

16 SECTION 26. An emergency is declared for this act.

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