

## SENATE BILL No. 169

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DIGEST OF SB 169 (Updated January 27, 1998 9:14 am - DI 77)

**Citations Affected:** IC 2-5; IC 3-5; IC 3-9; IC 3-13; noncode.

**Synopsis:** Campaign finance. Establishes the office of census data. Requires that the office of census data have co-directors from the two major political parties. Makes an annual appropriation to the office of census data. 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 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  
(Continued next page)

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

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**Landske, Skillman, Breaux,  
Craycraft**

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January 6, 1998, read first time and referred to Committee on Elections.  
January 27, 1998, amended, reported favorably — Do Pass.  
January 30, 1998, read second time, amended, ordered engrossed.

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Digest Continued

that a report of a large contribution is required to be filed not later than noon four days before the election. (Under current law 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) Repeals the definition of national party affiliate committee and another obsolete statute. (12) 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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Reprinted  
February 2, 1998

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.

## SENATE BILL No. 169

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

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

1 SECTION 1. IC 2-5-19.5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JUNE 1, 1998]:

4 **Chapter 19.5. Office of Census Data**

5 **Sec. 1. The definitions in IC 1-1-3.5 and IC 3-5-2 apply**  
6 **throughout this chapter.**

7 **Sec. 2. As used in this chapter, "committee" refers to the census**  
8 **data advisory committee established under IC 2-5-1.1.**

9 **Sec. 3. As used in this chapter, "council" refers to the legislative**  
10 **council established under IC 2-5-1.1.**

11 **Sec. 4. As used in this chapter, "office" refers to the office of**  
12 **census data established under section 5 of this chapter.**

13 **Sec. 5. The office of census data is established as a separate**  
14 **department within the legislative branch of state government.**

15 **Sec. 6. The office shall do the following:**

16 (1) Advise and assist the Bureau of the Census and the

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- 1 committee in defining the boundaries of census blocks in the  
2 state.
- 3 (2) Advise and assist the committee in coordinating the state's  
4 efforts to obtain an accurate population count in each federal  
5 decennial census.
- 6 (3) Work with other state and federal agencies to assist in the  
7 local review program conducted in Indiana.
- 8 (4) Participate in national associations of state governments  
9 to obtain information regarding census count activities  
10 conducted by other states.
- 11 (5) Work with the election division, state agencies, and  
12 political subdivisions to maintain accurate information  
13 concerning the boundaries of precincts and political  
14 subdivisions.
- 15 (6) Advise and assist the committee in the preparation and  
16 organization of decennial census data for use in congressional  
17 and state legislative redistricting.
- 18 (7) Work with political subdivisions following each decennial  
19 census to provide information and assistance concerning  
20 special census, special tabulations, and corrected population  
21 counts.
- 22 Sec. 7. (a) The council shall employ two (2) co-directors who  
23 shall administer the office.
- 24 (b) Each co-director is appointed upon the joint  
25 recommendation of the president pro tempore of the senate and the  
26 speaker of the house of representatives. One (1) co-director must  
27 be affiliated with a major political party of the state and the other  
28 co-director must be affiliated with the other major political party  
29 of the state.
- 30 Sec. 8. Each co-director is entitled to serve as long as the  
31 co-director properly performs the co-director's duties. A  
32 co-director may be removed at any time upon the affirmative vote  
33 of twelve (12) members of the council.
- 34 Sec. 9. The co-directors shall submit to the council the reports  
35 and drafts of resolutions, budgets, and appropriation bills as may  
36 be required for the efficient operation of the office's activities and  
37 programs.
- 38 Sec. 10. The council may establish policies regarding the records  
39 maintained by the office, including fees for the reproduction of  
40 records and whether certain information is confidential.
- 41 Sec. 11. The council shall:
- 42 (1) establish the qualifications for personnel of the office;



- 1           (2) employ personnel to carry out the purposes of this  
2           chapter;  
3           (3) adopt rules governing personnel practices and establishing  
4           the rights, privileges, powers, and duties of all employees;  
5           (4) provide for employees to be covered by the public  
6           employees' retirement fund; and  
7           (5) establish a pay scale for all employees, including the  
8           co-directors.

9           **However, rules adopted by the council under subdivision (3) are  
10           not subject to IC 4-22-2. The rules adopted under subdivision (3)  
11           may limit the political activity of office employees.**

12           **Sec. 12. There is annually appropriated to the office from the  
13           state general fund an amount determined by the council to be  
14           sufficient for the office to use to carry out the purposes of this  
15           chapter.**

16           **Sec. 13. This chapter expires January 1, 2002.**

17           SECTION 2. IC 3-5-2-32.7, AS ADDED BY P.L.3-1997, SECTION  
18           11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
19           PASSAGE]: Sec. 32.7. "Nomination date" refers to the following:

- 20           (1) For candidates nominated in a primary election, the date of the  
21           primary election.  
22           (2) For candidates nominated in a convention, the date of the  
23           convention is scheduled to be called to order, according to the  
24           call of the convention issued by the political party.  
25           (3) For candidates selected to fill a ballot vacancy, the date the  
26           certificate of selection of the candidate is filed under  
27           IC 3-13-1-15 or IC 3-13-2-8.  
28           (4) For candidates nominated by petition, the final date the  
29           petition of nomination is permitted to be filed under  
30           IC 3-8-6-10(c).  
31           (5) For write-in candidates, the final date the candidate's  
32           declaration of intent to be a write-in candidate is permitted to  
33           be filed under IC 3-8-2-4.

34           SECTION 3. IC 3-5-2-37, AS AMENDED BY P.L.3-1997,  
35           SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36           JULY 1, 1998]: Sec. 37. (a) Except as provided in subsection (b),  
37           "political action committee" means an organization located within or  
38           outside Indiana that satisfies all of the following:

- 39           (1) ~~The organization is not:~~  
40                 (A) affiliated with a political party; or  
41                 (B) a candidate's committee.  
42           (2) The organization proposes to influence:

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- 1 (A) the election of a candidate for state, legislative, local, or  
 2 school board office; or  
 3 (B) the outcome of a public question.  
 4 ~~(2)~~ (2) The organization accepts contributions or makes  
 5 expenditures during a calendar year:  
 6 (A) to influence the election of a candidate for state,  
 7 legislative, local, or school board office or the outcome of a  
 8 public question that will appear on the ballot in Indiana; **and**  
 9 (B) that in the aggregate exceed one hundred dollars (\$100).  
 10 ~~(3)~~ (3) The organization is not any of the following:  
 11 (i) (A) An auxiliary party organization.  
 12 (ii) (B) A legislative caucus committee.  
 13 (iii) (C) A regular party committee.  
 14 (iv) (D) A candidate's committee.  
 15 (b) A corporation or labor organization that makes a contribution in  
 16 accordance with IC 3-9-2 or makes an expenditure is not considered a  
 17 political action committee.  
 18 SECTION 4. IC 3-9-1-4, AS AMENDED BY P.L.3-1997,  
 19 SECTION 171, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE UPON PASSAGE]: Sec. 4. A committee must include  
 21 in its statement of organization the following:  
 22 (1) The name and address of the committee.  
 23 (2) The purpose for which the committee is formed, **unless the**  
 24 **committee is a candidate's committee that identifies a specific**  
 25 **office sought by the candidate.**  
 26 (3) The name and address of the chairman and treasurer.  
 27 (4) If applicable, the name, address, office sought, and political  
 28 party affiliation or independent status of each candidate whom the  
 29 committee is supporting.  
 30 (5) If the committee is **a legislative caucus committee, political**  
 31 **action committee, or regular party committee, and is**  
 32 supporting the entire ticket of a political party, the name of the  
 33 party.  
 34 (6) If the committee is **a political action committee** supporting  
 35 or opposing a public question, a brief statement of the question  
 36 supported or opposed.  
 37 (7) A listing of all banks, safety deposit boxes, and other  
 38 depositories used.  
 39 (8) Other information prescribed by the commission under  
 40 IC 3-6-4.1-14(a)(3).  
 41 SECTION 5. IC 3-9-2-13, AS ADDED BY P.L.3-1997, SECTION  
 42 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON

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1 PASSAGE]: Sec. 13. An individual may not ~~make~~ **solicit** or receive a  
 2 contribution in violation of the following statutes:

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

9 SECTION 6. IC 3-9-4-4, AS AMENDED BY P.L.3-1997,  
 10 SECTION 186, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The election division  
 12 shall develop a filing, coding, and cross-indexing system consistent  
 13 with the purposes of this article. The election division and each county  
 14 election board shall use the filing, coding, and cross-indexing system.  
 15 The coding system must provide:

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

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

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

- 30 (A) Legislative office.  
 31 (B) State office.

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

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



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1 **electronic submission and the printed report, the text of the printed**  
 2 **report prevails until an amendment is filed under this article to**  
 3 **correct the discrepancy.**

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

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

12 SECTION 7. IC 3-9-4-14, AS AMENDED BY P.L.3-1997,  
 13 SECTION 195, IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The election division  
 15 and each county election board shall do all of the following:

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

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

20 (2) Give the following notices:

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

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

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

36 (b) The election division shall mail:

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

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

42 the proper campaign finance report forms and a notice that states the

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1 date the campaign finance reports are due. The election division is  
 2 required to mail notices and forms only to candidates for state offices  
 3 and legislative offices. A county election board may, but is not required  
 4 to, implement this subsection for candidates for local offices.

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

10 SECTION 8. IC 3-9-4-18, AS AMENDED BY P.L.3-1997,  
 11 SECTION 198, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section,  
 13 "delinquent **or defective** report" refers to a campaign finance report **or**  
 14 **statement of organization:**

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

17 (2) for which a person was assessed a civil penalty under section  
 18 16 or 17 of this chapter.

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

20 (1) The commission if a civil penalty was assessed under section  
 21 16 of this chapter.

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

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

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

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

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

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

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

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

38 for a subsequent candidacy.

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

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

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

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

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

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

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

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

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

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

33 SECTION 10. IC 3-9-5-5, AS AMENDED BY P.L.2-1996,  
 34 SECTION 114, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE UPON PASSAGE]: Sec. 5. The treasurer of each  
 36 committee shall file reports of receipts and expenditures on forms  
 37 prescribed or approved by the commission. **Except as provided in**  
 38 **section 20 of this chapter, a report may not be filed by facsimile**  
 39 **(fax) transmission.**

40 SECTION 11. IC 3-9-5-6, AS AMENDED BY P.L.3-1997,  
 41 SECTION 204, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 6. (a) **This**



1 **subsection applies to a candidate's committee.** Except as otherwise  
 2 provided in this chapter, each committee, ~~its the committee's~~ treasurer,  
 3 and each candidate shall complete a report required by this chapter  
 4 current and dated as of the following dates:

- 5 (1) Twenty-five (25) days before the nomination date.  
 6 (2) Twenty-five (25) days before the general, ~~or~~ municipal, **or**  
 7 **special** election.  
 8 (3) The annual report filed and dated as required by section 10 of  
 9 this chapter.

10 (b) ~~In the case of a special election, each committee, each~~  
 11 ~~committee's treasurer, and each candidate shall complete a report~~  
 12 ~~required by this chapter current as of twenty-five (25) days before the~~  
 13 ~~special election. This subsection applies to a regular party~~  
 14 **committee. Except as otherwise provided in this chapter, each**  
 15 **committee and the committee's treasurer shall complete a report**  
 16 **required by this chapter current and dated as of the following**  
 17 **dates:**

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

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

- 27 (1) **Twenty-five (25) days before a primary election conducted**  
 28 **in an even-numbered year.**  
 29 (2) **Twenty-five (25) days before a general election conducted**  
 30 **in an even-numbered year.**  
 31 (3) **The date of the annual report filed and dated as required**  
 32 **under section 10 of this chapter.**

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

37 SECTION 12. IC 3-9-5-7, AS AMENDED BY P.L.3-1997,  
 38 SECTION 205, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 1998 (RETROACTIVE)]: Sec. 7. (a) ~~Persons~~  
 40 **A person** may deliver reports to the appropriate office as follows:

- 41 (1) By hand.  
 42 (2) By mail.

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(3) By electronic mail, if the appropriate office has the capacity to:

- (A) receive electronic mail; **and**
- (B) print out a hard copy of the report immediately upon the receipt of the electronic mail by the office.**

(b) Reports must be filed as follows:

(1) Hand delivered reports **or reports that are mailed** must be ~~received by~~ **filed with** the appropriate office during regular office hours not later than noon seven (7) days after the date of the report.

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

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

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

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

SECTION 13. IC 3-9-5-8, AS AMENDED BY P.L.3-1997, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section applies to a candidate for nomination to an office in a state convention who ~~(1)~~ becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention. ~~and~~**

**(b) A candidate ~~(2)~~ does is not required to file the required a report in accordance with ~~section 7~~ section 6(a)(1) of this chapter. The candidate shall file the candidate's first report no later than noon twenty (20) days after the nomination date for a candidate chosen at a state convention.**

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

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1 SECTION 14. IC 3-9-5-8.2 IS ADDED TO THE INDIANA CODE  
 2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 3 **UPON PASSAGE]: Sec. 8.2. (a) This section applies to a candidate**  
 4 **who is nominated by petition under IC 3-8-6.**

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

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

10 SECTION 15. IC 3-9-5-8.4 IS ADDED TO THE INDIANA CODE  
 11 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 12 **UPON PASSAGE]: Sec. 8.4. (a) This section applies to a candidate**  
 13 **who files a declaration of intent to be a write-in candidate under**  
 14 **IC 3-8-2.**

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

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

20 SECTION 16. IC 3-9-5-8.5, AS ADDED BY P.L.3-1997, SECTION  
 21 207, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
 22 PASSAGE]: Sec. 8.5. (a) This section applies to a candidate who is  
 23 selected to fill a vacancy on the ballot under IC 3-13-1 or IC 3-13-2.

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

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

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

37 SECTION 17. IC 3-9-5-14, AS AMENDED BY P.L.253-1997(ss),  
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 1998 (RETROACTIVE)]: Sec. 14. (a) As used in this section,  
 40 "threshold contribution amount" refers to the following:

41 (1) For contributions made to a candidate's committee, a  
 42 legislative caucus committee, or a political action committee, one

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- 1           hundred dollars (\$100).
- 2           (2) For contributions made to a regular party committee, two
- 3           hundred dollars (\$200).
- 4           (b) The report of each committee's treasurer must disclose the
- 5           following:
- 6           (1) The amount of cash on hand and the value of any investments
- 7           made by the committee at the beginning of the reporting period.
- 8           (2) The total sum of individual contributions including
- 9           transfers-in, accepted by the committee during its reporting
- 10          period.
- 11          (3) The following information regarding each person who has
- 12          made one (1) or more contributions within the year, in an
- 13          aggregate amount that exceeds the threshold contribution amount
- 14          in actual value to or for the committee, including the purchase of
- 15          tickets for events such as dinners, luncheons, rallies, and similar
- 16          fundraising events:
- 17                (A) The full name of the person.
- 18                (B) The full mailing address of the person making the
- 19                contribution.
- 20                (C) The person's occupation, if the person is an individual who
- 21                has made contributions **to the committee** of at least one
- 22                thousand dollars (\$1,000) during the calendar year.
- 23                (D) The date and amount of each contribution.
- 24          (4) The name and address of each committee from which the
- 25          reporting committee received, or to which that committee made,
- 26          a transfer of funds, together with the amounts and dates of all
- 27          transfers.
- 28          (5) If the reporting committee is a candidate's committee, the
- 29          following information about each other committee that has
- 30          reported expenditures to the reporting candidate's committee
- 31          under section 15 of this chapter:
- 32                (A) The name and address of the other committee.
- 33                (B) The amount of expenditures reported by the other
- 34                committee.
- 35                (C) The date of the expenditures reported by the other
- 36                committee.
- 37                (D) The purpose of the expenditures reported by the other
- 38                committee.
- 39          (6) Each loan to or from a person within the reporting period
- 40          together with the following information:
- 41                (A) The full names and mailing addresses of the lender and
- 42                endorsers, if any.

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- 1 (B) The person's occupation, if the person is an individual who
- 2 has made loans of at least one thousand dollars (\$1,000) to the
- 3 **committee** during the calendar year.
- 4 (C) The date and amount of the loans.
- 5 (7) The total sum of all receipts of the committee during the
- 6 reporting period.
- 7 (8) The full name, mailing address, occupation, and principal
- 8 place of business, if any, of each person other than a committee
- 9 to whom an expenditure was made by the committee or on behalf
- 10 of the committee within the year in an aggregate amount that:
- 11 (A) exceeds one hundred dollars (\$100), in the case of a
- 12 candidate's committee, **legislative caucus committee**, or
- 13 political action committee; or
- 14 (B) exceeds two hundred dollars (\$200), in the case of a
- 15 regular party committee.
- 16 (9) The name, address, and office sought by each candidate for
- 17 whom any expenditure was made or a statement identifying the
- 18 public question for which any expenditure was made, including
- 19 the amount, date, and purpose of each expenditure.
- 20 (10) The full name, mailing address, occupation, and principal
- 21 place of business, if any, of each person to whom an expenditure
- 22 for personal services, salaries, or reimbursed expenses was made
- 23 within the year in an aggregate amount that:
- 24 (A) exceeds one hundred dollars (\$100), in the case of a
- 25 candidate's committee, **legislative caucus committee**, or
- 26 political action committee; or
- 27 (B) exceeds two hundred dollars (\$200), in the case of a
- 28 regular party committee;
- 29 and that is not otherwise reported, including the amount, date, and
- 30 purpose of the expenditure.
- 31 (11) The total sum of expenditures made by the committee during
- 32 the reporting period.
- 33 (12) The amount and nature of debts owed by or to the committee,
- 34 and a continuous reporting of the debts after the election at the
- 35 times ~~that the board requires~~ **required under this article** until the
- 36 debts are extinguished.
- 37 SECTION 18. IC 3-9-5-20, AS ADDED BY P.L.3-1997, SECTION
- 38 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
- 39 PASSAGE]: Sec. 20. (a) This section applies only to a large
- 40 contribution that satisfies all of the following:
- 41 (1) The contribution is received by a candidate, the candidate's
- 42 committee, or the treasurer of the candidate's committee.

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- 1 (2) The contribution is received:
- 2 (A) not more than twenty-five (25) days before an election;
- 3 and
- 4 (B) not less than five (5) days before an election.
- 5 (b) As used in this section, "election" refers to any of the following:
- 6 (1) A primary election.
- 7 (2) A general election.
- 8 (3) A municipal election.
- 9 (4) A special election.
- 10 (5) For candidates nominated at a state convention, the state
- 11 convention.
- 12 (c) As used in this section, "large contribution" means a contribution
- 13 of at least one thousand dollars (\$1,000).
- 14 (d) The treasurer of a candidate's committee shall file a report of
- 15 large contributions not later than noon ~~five (5)~~ **four (4)** days before the
- 16 election. **The report of large contributions may be filed not earlier**
- 17 **than the deadline for filing the most recent report under**
- 18 **IC 3-9-5-6(1) or IC 3-9-5-6(2). If the candidate files a report under**
- 19 **this subsection before the final date for filing, and subsequently**
- 20 **accepts a large contribution, the candidate must file an amended**
- 21 **report not later than noon four (4) days before the election. A**
- 22 **report filed under this section may be filed by facsimile (fax)**
- 23 **transmission.**
- 24 (e) A report required by subsection (d) must contain all of the
- 25 following information for each large contribution:
- 26 (1) The name of the person making the contribution.
- 27 (2) The address of the person making the contribution.
- 28 (3) If the person making the contribution is an individual, the
- 29 individual's occupation.
- 30 (4) The amount of the contribution.
- 31 (5) The date the contribution was received by the treasurer, the
- 32 candidate, or the candidate's committee.
- 33 (f) If no large contributions were received, the treasurer of the
- 34 committee shall report that fact.
- 35 (g) The commission shall prescribe the form for the report required
- 36 by this section.
- 37 SECTION 19. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS
- 38 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
- 39 PASSAGE]:
- 40 **Chapter 8. Independent Expenditures**
- 41 **Sec. 1. This chapter does not apply to the following:**
- 42 (1) A person who makes an expenditure described by

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**IC 3-9-5-15(b).**

- (2) An individual, a firm, or a partnership that:**
  - (A) makes a contribution to a candidate or a committee;**
  - and**
  - (B) does not make an expenditure.**
- (3) A corporation or labor organization that makes:**
  - (A) a contribution to a political committee; or**
  - (B) an expenditure to support or oppose a candidate or political party.**

**Sec. 2. Except as provided in section 1 of this chapter:**

- (1) an individual who makes an expenditure to influence an election within a year; or**
- (2) a corporation or labor organization that makes an expenditure to support or oppose approval of a public question;**

**shall file a statement with the election division under IC 3-9-5-2 or IC 3-9-5-3, or with a county election board under IC 3-9-5-4. The statement must contain the information required under IC 3-9-5.**

**Sec. 3. A statement required under this chapter is due on the same date and time that a report is due from a political action committee.**

**SECTION 20. IC 3-13-1-10.5, AS AMENDED BY P.L.3-1997, SECTION 382, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:**

- (1) the chairman of the caucus; and**
- (2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter; at least seventy-two (72) hours before the time fixed for the caucus.**

**(b) The form prescribed 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 provide that the form prescribed under subsection (a) includes the following information near the separate signature:**

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

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

5           SECTION 21. IC 3-13-2-7 IS AMENDED TO READ AS  
6           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a)** The selection  
7           of a person as a candidate under this chapter is not effective unless:

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

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

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

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

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

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

29           SECTION 22. IC 3-5-2-32.5 IS REPEALED [EFFECTIVE JULY  
30           1, 1997 (RETROACTIVE)].

31           SECTION 23. IC 3-9-5-21 IS REPEALED [EFFECTIVE UPON  
32           PASSAGE].

33           SECTION 24. P.L.4-1996, SECTION 114, AS AMENDED BY  
34           P.L.3-1997, SECTION 473, IS AMENDED TO READ AS FOLLOWS  
35           [EFFECTIVE UPON PASSAGE]: (a) As used in this SECTION,  
36           "computer system" refers to the computer system described in  
37           IC 3-9-4-4.

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

40           (c) Notwithstanding IC 3-9-4-4, not later than April 2, 1998, the  
41           computer system is only required to make the annual reports required  
42           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 25. [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 26. [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 27. [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 28. [EFFECTIVE UPON PASSAGE] (a) The legislative  
 14          council shall appoint the initial co-directors of the office of census  
 15          data established under IC 2-5-19.5, as added by this act, not later  
 16          than June 1, 1998.  
 17          (b) This SECTION expires June 2, 1998.  
 18          SECTION 29. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill 169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-1.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 1998]: Sec. 7. (a) The council shall maintain a bipartisan service and administrative agency for the general assembly to assist it in the performance of its constitutional responsibilities as a separate and independent legislative branch of state government. The service and administrative agency shall be known as the "Legislative Services Agency."

(b) In maintaining the legislative services agency the council shall:

- (1) establish the qualifications for and employ such personnel as are required to carry out the purposes and provisions of this chapter;
- (2) employ an executive director, to be charged with the administrative responsibility of all offices, departments, or divisions which the council may from time to time establish, and to serve as chief executive under the council;
- (3) adopt rules and regulations governing personnel practices and establishing the rights, privileges, powers, and duties of all employees;
- (4) provide for employees to be covered by the public employees' retirement fund; and
- (5) establish a pay scale for all employees including the executive director.

Rules and regulations adopted by the council under subdivision (3) are not subject to IC 4-22-2. In those rules and regulations, the council may limit the political activity of legislative services agency employees.

(c) The executive director is entitled to serve as long as ~~he~~ **the executive director** properly performs ~~his~~ **the executive director's** duties. ~~but he~~ **The executive director** may be removed at any time upon the affirmative vote of twelve (12) members of the council.

(d) The executive director may submit to the council such reports and drafts of resolutions, budgets, and appropriation bills as may be required for the efficient operation of the council's activities and

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programs.

(e) The legislative services agency shall perform such bill drafting, research, code revision, fiscal, budgetary, and management analysis, information, administrative, **census data**, and other services as are requested by the council.

SECTION 2. IC 2-5-19.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 1998]:

**Chapter 19.5. Office of Census Data**

**Sec. 1.** The definitions in IC 1-1-3.5 and IC 3-5-2 apply throughout this chapter.

**Sec. 2.** As used in this chapter, "committee" refers to the census data advisory committee established under IC 2-5-1.1.

**Sec. 3.** As used in this chapter, "council" refers to the legislative council established under IC 2-5-1.1.

**Sec. 4.** As used in this chapter, "office" refers to the office of census data established under section 5 of this chapter.

**Sec. 5.** The office of census data is established within the legislative services agency.

**Sec. 6.** The office shall do the following:

- (1) Advise and assist the Bureau of the Census and the committee in defining the boundaries of census blocks in the state.
- (2) Advise and assist the committee in coordinating the state's efforts to obtain an accurate population count in each federal decennial census.
- (3) Work with other state and federal agencies to assist in the local review program conducted in Indiana.
- (4) Participate in national associations of state governments to obtain information regarding census count activities conducted by other states.
- (5) Work with the election division, state agencies, and political subdivisions to maintain accurate information concerning the boundaries of precincts and political subdivisions.
- (6) Advise and assist the committee in the preparation and organization of decennial census data for use in congressional and state legislative redistricting.
- (7) Work with political subdivisions following each decennial census to provide information and assistance concerning special census, special tabulations, and corrected population counts.



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**Sec. 7 (a) The council shall employ two (2) co-directors who shall administer the office.**

**(b) Each co-director is appointed upon the joint recommendation of the president pro tempore of the senate and the speaker of the house of representatives. One (1) co-director must be affiliated with a major political party of the state and the other co-director must be affiliated with the other major political party of the state.**

**Sec. 8. Each co-director is entitled to serve as long as the co-director properly performs the co-director's duties. A co-director may be removed at any time upon the affirmative vote of twelve (12) members of the council.**

**Sec. 9. The co-directors shall submit to the council the reports and drafts of resolutions, budgets, and appropriation bills as may be required for the efficient operation of the office's activities and programs.**

**Sec. 10. The council may establish policies regarding the records maintained by the office, including fees for the reproduction of records and whether certain information is confidential.**

**Sec. 11. There is annually appropriated to the office from the state general fund an amount determined by the council to be sufficient for the office to use to carry out the purposes of this chapter.**

**Sec. 12. This chapter expires January 1, 2002."**

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-37, AS AMENDED BY P.L.3-1997, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 37. (a) Except as provided in subsection (b), "political action committee" means an organization located within or outside Indiana that satisfies all of the following:

- (1) ~~The organization is not:~~
  - ~~(A) affiliated with a political party; or~~
  - ~~(B) a candidate's committee.~~
- ~~(2) The organization proposes to influence:~~
  - (A) the election of a candidate for state, legislative, local, or school board office; or
  - (B) the outcome of a public question.
- ~~(3) (2) The organization accepts contributions or makes expenditures during a calendar year:~~
  - (A) to influence the election of a candidate for state, legislative, local, or school board office or the outcome of a public question that will appear on the ballot in Indiana; **and**



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- (B) that in the aggregate exceed one hundred dollars (\$100).
- ~~(D)~~ (3) The organization is not any of the following:
- (i) (A) An auxiliary party organization.
  - (ii) (B) A legislative caucus committee.
  - (iii) (C) A regular party committee.
  - (iv) (D) A candidate's committee.

(b) A corporation or labor organization that makes a contribution in accordance with IC 3-9-2 or makes an expenditure is not considered a political action committee."

Page 6, between lines 17 and 18, begin a new paragraph and insert:  
 "SECTION 8. IC 3-9-5-5, AS AMENDED BY P.L.2-1996, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The treasurer of each committee shall file reports of receipts and expenditures on forms prescribed or approved by the commission. **Except as provided in section 20 of this chapter, a report may not be filed by facsimile (fax) transmission.** "

Page 11, line 36, after "election." insert "**The report of large contributions may be filed not earlier than the deadline for filing the most recent report under IC 3-9-5-6(1) or IC 3-9-5-6(2). If the candidate files a report under this subsection before the final date for filing, and subsequently accepts a large contribution, the candidate must file an amended report not later than noon four (4) days before the election. A report filed under this section may be filed by facsimile (fax) transmission.**"

Page 12, between lines 7 and 8, begin a new paragraph and insert:  
 "SECTION 17. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 8. Independent Expenditures**

**Sec. 1. This chapter does not apply to the following:**

- (1) A person who makes an expenditure described by IC 3-9-5-15(b).
- (2) An individual, a firm, or a partnership that:
  - (A) makes a contribution to a candidate or a committee; and
  - (B) does not make an expenditure.
- (3) A corporation or labor organization that makes:
  - (A) a contribution to a political committee; or
  - (B) an expenditure to support or oppose a candidate or political party.

**Sec. 2. Except as provided in section 1 of this chapter:**



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- (1) an individual who makes an expenditure to influence an election within a year; or
- (2) a corporation or labor organization that makes a expenditure to support or oppose approval of a public question;

shall file a statement with the election division under IC 3-9-5-2 or IC 3-9-5-3, or with a county election board under IC 3-9-5-4. The statement must contain the information required under IC 3-9-5.

**Sec. 3. A statement required under this chapter is due on the same date and time that a report is due from a political action committee."**

Page 14, between lines 40 and 41, begin a new paragraph and insert:

**"SECTION 26. [EFFECTIVE UPON PASSAGE] (a) The legislative council shall appoint the initial co-directors of the office of census data established under IC 2-5-19.5, as added by this act, not later than June 1, 1998.**

**(b) This SECTION expires June 2, 1998."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 169 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## SENATE MOTION

Mr. President: I move that Senate Bill 169 be amended to read as follows:

Page 1, delete lines 1 through 16

Page 3, delete lines 1 through 21.

Page 3, line 34, delete "within the" and insert "**as a separate department within the legislative branch of state government.**".

Page 3, delete line 35.

Page 4, between lines 35 and 36, begin a new paragraph and insert:

**"Sec. 11. The council shall:**

- (1) establish the qualifications for personnel of the office;**
- (2) employ personnel to carry out the purposes of this chapter;**
- (3) adopt rules governing personnel practices and establishing the rights, privileges, powers, and duties of all employees;**
- (4) provide for employees to be covered by the public employees' retirement fund; and**
- (5) establish a pay scale for all employees, including the co-directors.**

**However, rules adopted by the council under subdivision (3) are not subject to IC 4-22-2. The rules adopted under subdivision (3) may limit the political activity of office employees."**

Page 4, line 36, delete "11" and insert "**12**".

Page 4, line 40, delete "12" and insert "**13**".

Re-number all SECTIONS consecutively.

(Reference is to Senate Bill 169 as printed January 28, 1998.)

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