

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Elections, to which was referred Senate Bill No. 1, 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:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-5-2-23 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 23. (a)
5 "Expenditure" means a disbursement (whether characterized as an
6 advance, a deposit, a distribution, a gift, a loan, a payment, a purchase,
7 or a contract or promise to make a disbursement) of property (as
8 defined in IC 35-41-1) that **satisfies both of the following:**
9 (1) **The disbursement** is made for the purpose of influencing
10 **any of the following:**
11 (A) The nomination or election to office of a candidate.
12 (B) The election of delegates to a state constitutional
13 convention. ~~or~~
14 (C) The outcome of a public question. ~~and~~
15 (2) **The disbursement** is made by **any of the following:**
16 (A) ~~an individual;~~ **A person**, except that a contribution
17 made by ~~an individual~~ **a person** is not considered to be an
18 expenditure.

- 1 (B) A candidate's committee.
 2 (C) A regular party committee. ~~or~~
 3 (D) A political action committee.

4 (b) Whenever funds are transferred from one committee to
 5 another, the disbursing committee is considered to be making an
 6 expenditure in the amount of the funds transferred."

7 Page 6, delete lines 14 through 42, begin a new paragraph and
 8 insert:

9 "SECTION 5. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS
 10 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 1999]:

12 **Chapter 8. Reporting Campaign Expenditures**

13 **Sec. 1. (a) This chapter applies only to a person who makes**
 14 **expenditures of at least one thousand dollars (\$1,000) in a calendar**
 15 **year.**

16 **(b) This chapter applies only to expenditures made in support**
 17 **of any of the following:**

- 18 **(1) The election or defeat of a clearly identified candidate.**
 19 **(2) The approval or defeat of a specific public question.**

20 **(c) This chapter does not apply to any of the following:**

21 **(1) A person who is required to file reports of expenditures**
 22 **under IC 3-9-5.**

23 **(2) A candidate or the candidate's committee if the candidate**
 24 **is running for a local office for which the compensation is**
 25 **less than five thousand dollars (\$5,000) per year.**

26 **(3) A candidate or the candidate's committee if:**

27 **(A) the candidate is running for a school board office;**
 28 **and**

29 **(B) the candidate or the candidate's committee is not**
 30 **required to file a written instrument designating a**
 31 **principal committee under IC 3-9-1-5.**

32 **(4) A person who makes an expenditure relating to an**
 33 **election for precinct committeeman or delegate to a state**
 34 **convention.**

35 **(5) The broadcast or publication of a news story, a**
 36 **commentary, or an editorial by a broadcasting station or a**
 37 **newspaper.**

38 **(d) This chapter does not require the reporting of any of the**

1 following:

- 2 (1) An expenditure that is required to be reported as a
 3 contribution under IC 3-9-5.
 4 (2) An expenditure made more than ninety (90) days before
 5 a nomination date or the date of an election.
 6 (3) Volunteer personal services provided by an individual.
 7 (4) Information relating to any of the following:
 8 (A) The identity of persons to whom the communication
 9 is directed.
 10 (B) The identity of an organization's associates,
 11 members, partners, or shareholders.
 12 (C) The identity of persons who provide any of the
 13 reporting person's funding.
 14 (D) Any mailing lists maintained by the person.

15 **Sec. 2.** For purposes of this chapter, a candidate is clearly
 16 identified if any of the following apply:

- 17 (1) The name of the candidate involved appears.
 18 (2) A photograph or drawing of the candidate appears.
 19 (3) The identity of the candidate is apparent by unambiguous
 20 reference.

21 **Sec. 3.** For purposes of this chapter, the election or defeat of a
 22 clearly identified candidate, or the approval or defeat of a specific
 23 public question, is advocated only if any of the following words are
 24 used in the communication with reference to the clearly identified
 25 candidate or the specific public question:

- 26 (1) "Elect".
 27 (2) "Re-elect".
 28 (3) "Vote for".
 29 (4) "Cast your ballot for".
 30 (5) "Approve".
 31 (6) "Retain".
 32 (7) "Defeat".
 33 (8) "Vote against".
 34 (9) "Cast your ballot against".
 35 (10) "Reject".
 36 (11) A word or phrase synonymous with a word or phrase
 37 listed in subdivisions (1) through (10).

38 **Sec. 4. (a)** A person who makes an expenditure relating to any

1 of the following must file a report required by this chapter with the
2 commission:

- 3 (1) An election for a state office.
4 (2) An election for a legislative office.
5 (3) The outcome of a public question for or against which the
6 electorate of the whole state may vote.

7 (b) A person who makes an expenditure relating to any of the
8 following must file a report required by this chapter with the
9 county election board of each county comprising part of the
10 affected election district:

- 11 (1) An election for a local office.
12 (2) The outcome of a local public question for or against
13 which the electorate of the affected election district may vote.

14 Sec. 5. The commission shall prescribe the form of reports
15 required by this chapter.

16 Sec. 6. (a) A person required to report expenditures under this
17 chapter shall complete a report required by this chapter that is
18 current as of fourteen (14) days before the nomination date or
19 election for which expenditures were made.

20 (b) A person may hand deliver or mail a report required by
21 this section to the appropriate office. A hand delivered report must
22 be received by the appropriate office during regular office hours
23 not later than noon seven (7) days before the nomination date or
24 election.

25 Sec. 7. (a) A person required to report expenditures under this
26 chapter shall file a final report that is complete through December
27 31 of the year the person makes expenditures.

28 (b) The report required by this section is due not later than
29 noon of the third Wednesday in January of the year following the
30 year covered by the report.

31 Sec. 8. A report required by this chapter must include the
32 following information:

- 33 (1) The full name and complete mailing address of the
34 person.
35 (2) The total value of the reportable expenditures made by
36 the person from January 1 of the reporting year through:
37 (A) the date of the report; or
38 (B) December 31 of the reporting year, if the report is

- 1 the final report required by section 7 of this chapter.
- 2 **(3) The following information relating to each person to**
- 3 **which the reporting person made reportable expenditures**
- 4 **that in the aggregate exceeded one hundred dollars (\$100):**
- 5 **(A) The full name and complete mailing address of the**
- 6 **person to which the reporting person made**
- 7 **expenditures.**
- 8 **(B) The amount, date, and purpose of each expenditure.**
- 9 **(4) The following information relating to each candidate for**
- 10 **or against whom the person made reportable expenditures**
- 11 **that in the aggregate exceeded one hundred dollars (\$100):**
- 12 **(A) The name of the candidate and the office for which**
- 13 **the candidate sought election.**
- 14 **(B) The amount, date, and purpose of each**
- 15 **expenditure."**
- 16 Renumber all SECTIONS consecutively.
- (Reference is to SB 1 as introduced.)

and when so amended that said Bill do pass.

Committee Vote: Yeas 7, Nays 3.

Senator Landske, Chairperson