



Reprinted  
March 3, 1999

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## SENATE BILL No. 70

DIGEST OF SB 70 (Updated March 2, 1999 3:21 pm - DI 101)

**Citations Affected:** IC 3-5; IC 3-9; IC 4-31; IC 4-33; noncode.

**Synopsis:** Campaign finance law. Makes several changes in campaign finance law, including the following: (1) Amends the definition of "auxiliary party organization". (2) Amends the definition of "nomination date" to specify when certain candidates must file campaign finance reports. (3) Amends the definition of "political action committee" to specify that a PAC is subject to campaign finance reporting requirements whether or not the PAC is affiliated with a political party. (4) Amends the campaign finance disclaimer requirement to exempt certain small items from the requirement and to make other changes to conform the Indiana disclaimer law with exemptions and requirements applicable to federal candidates. (5)  
(Continued next page)

**Effective:** July 1, 1997 (retroactive); January 1, 1998 (retroactive); January 1, 1999 (retroactive); upon passage; July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.  
February 18, 1999, amended; reassigned to Committee on Elections.  
February 23, 1999, amended, reported favorably — Do Pass.  
March 2, 1999, read second time, amended, ordered engrossed.

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SB 70—LS 6137/DI 13+



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Provides for administrative disbanding of a committee. (6) Makes various changes regarding filing campaign finance reports. Specifies that a contribution is considered to be received and accepted by a committee when any member of the committee has physical possession of the contribution and manifests an intent to keep the contribution by depositing it. Specifies that if a committee determines that the committee should not accept a contribution and then returns the contribution without depositing it, the returned contribution is not required to be listed on the report of the committee's treasurer. (7) Repeals the existing large contribution reporting statute and replaces it with a large contribution statute based on federal law. Provides that a large contribution report may be filed by fax. (8) Provides for the application of campaign finance laws to individuals who fill candidate vacancies. (9) Requires electronic submission of campaign finance reports to conform to formats approved by the election commission and other standards. Provides that the campaign finance report expenditure coding system required under current law must provide for not more than 10 codes and specifies that the expenditure coding system applies to reports beginning January 1, 2000. Requires the election division to provide the legislative council with a list of proposed codes not later than October 1, 1999. (10) Specifies campaign finance report filing deadlines. (11) Provides that a person is not considered to have an interest in a pari-mutuel horse racing permit holder if: (1) not more than 10% of the person's gross income as shown on the person's most recent federal income tax return was generated from the horse racing meeting of the permit holder and any other horse racing meeting in the United States; or (2) the person has audited financial statements for a year ending not more than 18 months before the determination is made, and not more than 10% of the person's total revenues for that year were generated from the horse racing meeting of the permit holder and any other horse racing meeting in the United States. Provides the same framework for determining whether a person has an interest in a riverboat gaming licensee. Allows a riverboat gaming licensee, or a person who has an interest in a riverboat gaming licensee, to make a contribution to a committee if the contribution is designated for the purpose of supporting a convention or conference in Indiana or attracting a convention or conference to Indiana. Allows for similar contributions by a person with an interest in a pari-mutuel horse racing permit holder. (12) Provides that the campaign finance computer database 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. (13) Specifies that legislative caucus committees and national party affiliate committees are political action committees through December 31, 1997. (14) Specifies reporting requirements under the 1997 campaign finance amendments for reports required during 1997. (15) Repeals the definition of national party affiliate committee and another obsolete statute.

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Reprinted  
March 3, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## SENATE BILL No. 70

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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 3-5-2-2.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:  
3 Sec. 2.5. "Auxiliary party organization" means an organization located  
4 within or outside Indiana that:  
5 (1) is affiliated with a political party;  
6 (2) proposes to influence the election of a candidate for state,  
7 legislative, local, or school board office, or the outcome of a  
8 public question; and  
9 (3) has not:  
10 (A) had an annual budget of five thousand dollars (\$5,000) or  
11 more in at least one (1) of the last two (2) years; or  
12 (B) made a contribution of more than ~~five hundred dollars~~  
13 ~~(\$500)~~ **one thousand dollars (\$1,000)** to another committee  
14 or to a candidate.  
15 SECTION 2. IC 3-5-2-32.7 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32.7. "Nomination  
2 date" refers to the following:

3 (1) For candidates nominated in a primary election, the date of the  
4 primary election.

5 (2) For candidates nominated in a convention, the date of the  
6 convention **is scheduled to be called to order, according to the**  
7 **call of the convention issued by the political party.**

8 **(3) For candidates selected to fill a ballot vacancy, the date the**  
9 **certificate of selection of the candidate is filed under**  
10 **IC 3-13-1-15 or IC 3-13-2-8.**

11 **(4) For candidates nominated by petition, the final date the**  
12 **petition of nomination is permitted to be filed under**  
13 **IC 3-8-6-10(c).**

14 **(5) For write-in candidates, the final date the candidate's**  
15 **declaration of intent to be a write-in candidate is permitted to**  
16 **be filed under IC 3-8-2-4.**

17 SECTION 3. IC 3-5-2-37 IS AMENDED TO READ AS FOLLOWS  
18 [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) Except as provided in  
19 subsection (b), "political action committee" means an organization  
20 located within or outside Indiana that satisfies all of the following:

21 (1) ~~The organization is not:~~

22 ~~(A) affiliated with a political party; or~~

23 ~~(B) a candidate's committee.~~

24 ~~(2) The organization proposes to influence:~~

25 ~~(A) the election of a candidate for state, legislative, local, or~~  
26 ~~school board office; or~~

27 ~~(B) the outcome of a public question.~~

28 ~~(3) The organization accepts contributions or makes~~  
29 ~~expenditures during a calendar year:~~

30 ~~(A) to influence the election of a candidate for state,~~  
31 ~~legislative, local, or school board office or the outcome of a~~

32 ~~public question that will appear on the ballot in Indiana; **and**~~

33 ~~**(B) that in the aggregate exceed one hundred dollars (\$100).**~~

34 ~~(4) (3) The organization is not any of the following:~~

35 ~~(A) An auxiliary party organization.~~

36 ~~(B) A legislative caucus committee.~~

37 ~~(C) A regular party committee.~~

38 ~~(D) A candidate's committee.~~

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

42 SECTION 4. IC 3-9-1-4 IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE UPON PASSAGE]: Sec. 4. A committee must include  
2 in its statement of organization the following:

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

22 SECTION 5. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A committee may  
24 disband at any time **in the manner prescribed by this section.**

25 (b) **The commission or a county election board may**  
26 **administratively disband a committee in the manner prescribed by**  
27 **this section.**

28 (c) **The commission has exclusive jurisdiction to disband any of**  
29 **the following:**

- 30 (1) **A candidate's committee for state office.**  
31 (2) **A candidate's committee for legislative office.**  
32 (3) **A legislative caucus committee.**  
33 (4) **A political action committee that has filed a statement or**  
34 **report with the election division.**  
35 (5) **A regular party committee that has filed a statement or**  
36 **report with the election division.**

37 (d) **A county election board has exclusive jurisdiction to disband**  
38 **any of the following:**

- 39 (1) **A candidate's committee for a local office.**  
40 (2) **A candidate's committee for a school board office.**  
41 (3) **A political action committee that has filed a statement or**  
42 **report with the election board, unless the political action**

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1 committee has also filed a report with the election division.

2 (4) A regular party committee that has filed a statement or  
3 report with the election board, unless the regular party  
4 committee has also filed a report with the election division.

5 (e) The commission or a county election board may  
6 administratively disband a committee in the following manner:

7 (1) Not later than the last Friday of January of each year, the  
8 election division or county election board shall review the list  
9 of committees that have filed statements of organization with  
10 the division or board under this article.

11 (2) If the election division or county election board determines  
12 that a committee:

13 (A) has not filed any report of expenditures during the  
14 previous three (3) calendar years;

15 (B) owes no debts to any person other than:

16 (i) a civil penalty assessed by the commission or board;  
17 or

18 (ii) to an individual who was a candidate and also serves  
19 as the chairman or treasurer of the candidate's  
20 committee if the committee filed a report under this  
21 article; and

22 (C) last reported cash on hand in an amount that does not  
23 exceed one thousand dollars (\$1,000) if the committee filed  
24 a report under this article;

25 the election division or county election board may begin a  
26 proceeding before the commission or board to  
27 administratively disband the committee.

28 (3) The election division or county election board shall  
29 provide notice of the proceeding by certified mail to the last  
30 known address of the chairman and treasurer of the  
31 committee.

32 (4) The commission or board may issue an order  
33 administratively dissolving the committee and waiving any  
34 outstanding civil penalty previously imposed by the  
35 commission or board if the commission or board makes the  
36 following findings:

37 (A) There is no evidence that the committee continues to  
38 receive contributions, make expenditures, or otherwise  
39 function as a committee.

40 (B) The prudent use of public resources makes further  
41 efforts to collect any outstanding civil penalty imposed  
42 against the committee wasteful or unjust.



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- 1           **(C) According to the best evidence available to the**  
 2           **commission or board, the dissolution of the committee will**  
 3           **not impair any contract or impede the collection of a debt**  
 4           **or judgment by any person.**
- 5           **(5) The election division shall arrange for the publication of**  
 6           **an order administratively disbanding a committee in the**  
 7           **Indiana Register. A county election board shall publish a**  
 8           **notice under IC 5-3-1 stating that the board has disbanded a**  
 9           **committee under this subsection. The notice must state the**  
 10           **date of the order and the name of the committee, but the**  
 11           **board is not required to publish the text of the order.**
- 12           **(6) An order issued under this subsection takes effect**  
 13           **immediately upon its adoption, unless otherwise specified in**  
 14           **the order.**
- 15           **(f) If the chairman or treasurer of a committee wishes to**  
 16           **disband the committee, the committee must do either of the following:**
- 17           (1) Give written notification of the dissolution and transfer a  
 18           surplus of contributions less expenditures to any one (1) or a  
 19           combination of the following:
- 20               (A) One (1) or more regular party committees.  
 21               (B) One (1) or more candidate's committees.  
 22               (C) The election division.  
 23               (D) An organization exempt from federal income taxation  
 24               under Section 501 of the Internal Revenue Code.  
 25               (E) Contributors to the committee, on a pro rata basis.
- 26           (2) Use the surplus in any other manner permitted under  
 27           IC 3-9-3-4.
- 28           **(g) Except as provided in subsection (e) concerning the waiver**  
 29           **of civil penalties, a dissolution and or transfer of funds does not**  
 30           **relieve the committee or its the committee's members from civil or**  
 31           **criminal liability.**
- 32           SECTION 6. IC 3-9-1-25 IS AMENDED TO READ AS FOLLOWS  
 33           [EFFECTIVE UPON PASSAGE]: Sec. 25. **(a)** A member of a  
 34           committee that has appointed a treasurer in accordance with this  
 35           chapter may solicit or receive contributions as long as the member  
 36           immediately turns over the contributions without diminution to the  
 37           treasurer of the committee, to be disbursed and accounted for by the  
 38           treasurer as provided by this article. The treasurer shall show, in the  
 39           treasurer's account and statement and in addition to the requirements  
 40           of IC 3-9-5, through what member of the committee any contributions  
 41           were received.
- 42           **(b) A contribution is considered to be received and accepted by**



1 a committee when any member of the committee:

- 2 (1) has physical possession of the contribution; and  
 3 (2) manifests an intent to keep the contribution by depositing  
 4 the contribution, subject to IC 3-9-5-14(c).

5 SECTION 7. IC 3-9-1-25.5 IS ADDED TO THE INDIANA CODE  
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 25.5. For purposes of this article, a person  
 8 makes a contribution during the calendar year in which the person  
 9 relinquishes control over the contribution by:

- 10 (1) depositing the contribution in the United States mail; or  
 11 (2) transferring the contribution to any other person who has  
 12 been directed to convey the contribution to the person  
 13 intended to be the recipient of the contribution.

14 SECTION 8. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE UPON PASSAGE]: Sec. 13. An individual may not  
 16 ~~make~~ solicit or receive a contribution in violation of the following  
 17 statutes:

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

24 SECTION 9. IC 3-9-3-2.5 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This  
 26 section does not apply to any of the following:

- 27 (1) A communication relating to an election to a federal office.  
 28 (2) A communication relating to the outcome of a public question.  
 29 (3) A communication in a medium regulated by federal law.  
 30 (4) **Bumper stickers, pins, buttons, pens, and similar small**  
 31 **items upon which the disclaimer required by this section**  
 32 **cannot be conveniently printed.**  
 33 (5) **Skywriting, water towers, wearing apparel, or other**  
 34 **means of displaying an advertisement on which the inclusion**  
 35 **of a disclaimer would be impracticable.**  
 36 (6) **Checks, receipts, and similar items of minimal value that**  
 37 **do not contain a political message and are used for purely**  
 38 **administrative purposes.**  
 39 (7) **A communication by a political action committee**  
 40 **organized and controlled by a corporation soliciting**  
 41 **contributions to the political action committee by the**  
 42 **stockholders, executives, or employees of the corporation and**



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1           **the families of those individuals.**

2           **(8) A communication by a political action committee**  
 3           **organized and controlled by a labor organization soliciting**  
 4           **contributions to the political action committee by the**  
 5           **members or executive personnel of the labor organization and**  
 6           **the families of those individuals.**

7           **(9) A direct mailing of one hundred (100) or less substantially**  
 8           **similar pieces of mail.**

9           (b) This section applies whenever a person:

10           (1) makes an expenditure for the purpose of financing  
 11           communications expressly advocating the election or defeat of a  
 12           clearly identified candidate; or

13           (2) solicits a contribution;

14           through a newspaper, a magazine, an outdoor advertising facility, **a**  
 15           **poster, a yard sign,** a direct mailing, or any other type of general  
 16           public political advertising.

17           (c) For purposes of this section, a candidate is clearly identified if  
 18           any of the following apply:

19           (1) The name of the candidate involved appears.

20           (2) A photograph or drawing of the candidate appears.

21           (3) The identity of the candidate is apparent by unambiguous  
 22           reference.

23           (d) A communication described in subsection (b) must **contain a**  
 24           **disclaimer that appears and is presented in a clear and conspicuous**  
 25           **manner to give the reader or observer adequate notice of the**  
 26           **identity of the persons who paid for and, when required, who**  
 27           **authorized the communication. A disclaimer does not comply with**  
 28           **this section if the disclaimer is difficult to read or if the placement**  
 29           **of the disclaimer is easily overlooked.**

30           (e) A communication that would require a disclaimer if  
 31           distributed separately must contain the required disclaimer if  
 32           included in a package of materials.

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

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

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

40           (A) a candidate;

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

42           (C) the committee's agents;



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1 the communication must clearly state that the communication has  
2 been paid for by the authorized political committee.

3 (2) If the communication is paid for by other persons but  
4 authorized by:

5 (A) a candidate;

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

7 (C) the committee's agents;

8 the communication must clearly state that the communication is  
9 paid for by the other persons and authorized by the authorized  
10 political committee.

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

12 (A) a candidate;

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

14 (C) the committee's agents;

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

18 **(4) If the communication is a solicitation directed to the**  
19 **general public on behalf of a political committee that is not a**  
20 **candidate's committee, the solicitation must clearly state the**  
21 **full name of the person who paid for the communication.**

22 **(h) A communication by a regular party committee consisting**  
23 **of:**

24 **(1) a printed slate card, a sample ballot, or other printed**  
25 **listing of three (3) or more candidates for public office at an**  
26 **election;**

27 **(2) campaign materials such as handbills, brochures, posters,**  
28 **party tabloids or newsletters, and yard signs distributed by**  
29 **volunteers and used by the regular party committee in**  
30 **connection with volunteer activities on behalf of any nominee**  
31 **of the party; or**

32 **(3) materials distributed by volunteers as part of the regular**  
33 **party's voter registration or get-out-the-vote efforts;**

34 **must clearly state the name of the person who paid for the**  
35 **communication but is not required to state that the communication**  
36 **is authorized by any candidate or committee.**

37 SECTION 10. IC 3-9-4-4 IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 4. (a) The  
39 election division shall develop a filing **and** coding **and** ~~cross-indexing~~  
40 system consistent with the purposes of this article. The election  
41 division and each county election board shall use the filing **and** coding  
42 **and** ~~cross-indexing~~ system. The coding system must provide:



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1 (1) **not more than ten (10)** codes to account for various  
 2 campaign expenditure items; and

3 (2) a clear explanation of the kinds of expenditure items that must  
 4 be accounted for under each code.

5 (b) The election division shall develop and use a computer system  
 6 to store campaign finance reports required to be filed under IC 3-9-5-6,  
 7 ~~and IC 3-9-5-10,~~ **and IC 3-9-5-20.1**. The computer system must enable  
 8 the election division to do the following:

9 (1) Identify all candidates or committees that received  
 10 contributions from a contributor over the past three (3) years.

11 (2) Identify all contributors to a candidate or committee over the  
 12 past three (3) years.

13 (3) Provide for electronic submission, retrieval, storage, and  
 14 disclosure of campaign finance reports of candidates for the  
 15 following:

16 (A) Legislative office.

17 (B) State office.

18 The election division shall provide training at no cost to  
 19 candidates to enable candidates described in this subdivision to  
 20 file campaign finance reports electronically.

21 (c) **This subsection applies to an electronic submission under**  
 22 **subsection (b)(3). An electronic submission must be in a format**  
 23 **previously approved by the commission that permits the election**  
 24 **division to print out a hard copy of the report upon the receipt of**  
 25 **the electronic submission from the candidate. Filing of a report**  
 26 **occurs under IC 3-5-2-24.5 when the hard copy is printed out and**  
 27 **the election division records the date and time of the printout on**  
 28 **the hard copy. If a discrepancy exists between the text of the**  
 29 **electronic submission and the printed report, the text of the printed**  
 30 **report prevails until an amendment is filed under this article to**  
 31 **correct the discrepancy.**

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

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

40 SECTION 11. IC 3-9-4-14 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The election  
 42 division and each county election board shall do all of the following:

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

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

(2) Give the following notices:

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

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

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

(b) The election division shall mail:

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

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

the proper campaign finance report forms and a notice that states the date the campaign finance reports are due. The election division is required to mail notices and forms only to candidates for state offices and legislative offices. A county election board may, but is not required to, implement this subsection for candidates for local offices.

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

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

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

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- 1 (2) for which a person was assessed a civil penalty under section
- 2 16 or 17 of this chapter.
- 3 (b) As used in this section, "election board" refers to the following:
- 4 (1) The commission if a civil penalty was assessed under section
- 5 16 of this chapter.
- 6 (2) The county election board if a civil penalty was assessed
- 7 under section 17 of this chapter.
- 8 (c) As used in this section, "person" refers to a person who:
- 9 (1) has been assessed a civil penalty under section 16 or 17 of this
- 10 chapter; and
- 11 (2) has filed a declaration of candidacy, a petition of nomination,
- 12 or a declaration of intent to be a write-in candidate in a
- 13 subsequent election or for whom a certificate of nomination has
- 14 been filed.
- 15 (d) A person who does both of the following is relieved from further
- 16 civil liability under this chapter for the delinquent **or defective** report:
- 17 (1) Files the delinquent report **or amends the defective report**
- 18 from the previous candidacy:
- 19 (A) before filing a report required under IC 3-9-5-6; or
- 20 (B) at the same time the person files the report required under
- 21 IC 3-9-5-6;
- 22 for a subsequent candidacy.
- 23 (2) Pays all civil penalties assessed under section 16 or 17 of this
- 24 chapter for the delinquent report.
- 25 (e) This subsection applies to a person who:
- 26 (1) is assessed a civil penalty under this chapter; and
- 27 (2) is elected to office in the subsequent election.
- 28 The election board may order the auditor of state or the fiscal officer of
- 29 the political subdivision responsible for issuing the person's payment
- 30 for serving in office to withhold from the person's paycheck the amount
- 31 of the civil penalty assessed under this chapter. If the amount of the
- 32 paycheck is less than the amount of the civil penalty, the auditor **or**
- 33 **fiscal officer** shall continue withholding money from the person's
- 34 paycheck until an amount equal to the amount of the civil penalty has
- 35 been withheld.
- 36 (f) The auditor of state or fiscal officer shall deposit an amount
- 37 **paid, recovered, or** withheld under this section in the election board's
- 38 campaign finance enforcement account.
- 39 (g) Proceedings of the election board under this section are subject
- 40 to IC 4-21.5.
- 41 SECTION 13. IC 3-9-5-6 IS AMENDED TO READ AS FOLLOWS
- 42 [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 6. (a) **This**

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

37 (d) **This subsection applies to a political action committee.**  
 38 **Except as otherwise provided in this chapter, each committee and**  
 39 **the committee's treasurer shall complete a report required by this**  
 40 **chapter current and dated as of the following dates:**

41 (1) Twenty-five (25) days before a primary election.

42 (2) Twenty-five (25) days before a general, municipal, ~~or~~

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**special election.**  
**(3) The date of the annual report filed and dated as required under section 10 of this chapter.**  
 SECTION 14. IC 3-9-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) ~~Persons~~ **A person** may deliver reports to the appropriate office as follows:  
 (1) By hand.  
 (2) By mail.  
 (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 transmitted by mail** 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 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 (7) 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 of a policy by the commission or a county election board to receive reports or statements by facsimile transmission, the election division or the county election board may accept the facsimile transmission of a report or statement.**  
 SECTION 15. IC 3-9-5-8 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~~  
     (2) ~~does~~ (b) **A candidate is not required to file the required a**

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

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

9 SECTION 16. IC 3-9-5-8.2 IS ADDED TO THE INDIANA CODE  
 10 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 11 **UPON PASSAGE]: Sec. 8.2. (a) This section applies to a candidate**  
 12 **who is nominated by petition under IC 3-8-6.**

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

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

18 SECTION 17. IC 3-9-5-8.4 IS ADDED TO THE INDIANA CODE  
 19 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 20 **UPON PASSAGE]: Sec. 8.4. (a) This section applies to a candidate**  
 21 **who files a declaration of intent to be a write-in candidate under**  
 22 **IC 3-8-2.**

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

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

28 SECTION 18. IC 3-9-5-8.5 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This  
 30 section applies to a candidate who is selected to fill a vacancy on the  
 31 ballot under IC 3-13-1 or IC 3-13-2.

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

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

39 **(d) This subsection applies to a candidate selected under**  
 40 **IC 3-13-2 to fill a vacancy on the ballot. A candidate is not required**  
 41 **to prepare or file a report before or after the nomination date. The**  
 42 **period for the first report required for a candidate begins on the**

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1 **date that the individual became a candidate and ends December 31**  
 2 **following the election.**  
 3 SECTION 19. IC 3-9-5-14 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:  
 5 Sec. 14. (a) As used in this section, "threshold contribution amount"  
 6 refers to the following:  
 7 (1) For contributions made to a candidate's committee, a  
 8 legislative caucus committee, or a political action committee, one  
 9 hundred dollars (\$100).  
 10 (2) For contributions made to a regular party committee, two  
 11 hundred dollars (\$200).  
 12 (b) The report of each committee's treasurer must disclose the  
 13 following:  
 14 (1) The amount of cash on hand and the value of any investments  
 15 made by the committee at the beginning of the reporting period.  
 16 (2) The total sum of individual contributions including  
 17 transfers-in, accepted by the committee during its reporting  
 18 period.  
 19 (3) The following information regarding each person who has  
 20 made one (1) or more contributions within the year, in an  
 21 aggregate amount that exceeds the threshold contribution amount  
 22 in actual value to or for the committee, including the purchase of  
 23 tickets for events such as dinners, luncheons, rallies, and similar  
 24 fundraising events:  
 25 (A) The full name of the person.  
 26 (B) The full mailing address of the person making the  
 27 contribution.  
 28 (C) The person's occupation, if the person is an individual who  
 29 has made contributions **to the committee** of at least one  
 30 thousand dollars (\$1,000) during the calendar year.  
 31 (D) The date and amount of each contribution.  
 32 (4) The name and address of each committee from which the  
 33 reporting committee received, or to which that committee made,  
 34 a transfer of funds, together with the amounts and dates of all  
 35 transfers.  
 36 (5) If the reporting committee is a candidate's committee, the  
 37 following information about each other committee that has  
 38 reported expenditures to the reporting candidate's committee  
 39 under section 15 of this chapter:  
 40 (A) The name and address of the other committee.  
 41 (B) The amount of expenditures reported by the other  
 42 committee.

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- 1 (C) The date of the expenditures reported by the other
- 2 committee.
- 3 (D) The purpose of the expenditures reported by the other
- 4 committee.
- 5 (6) Each loan to or from a person within the reporting period
- 6 together with the following information:
- 7 (A) The full names and mailing addresses of the lender and
- 8 endorsers, if any.
- 9 (B) The person's occupation, if the person is an individual who
- 10 has made loans of at least one thousand dollars (\$1,000) **to the**
- 11 **committee** during the calendar year.
- 12 (C) The date and amount of the loans.
- 13 (7) The total sum of all receipts of the committee during the
- 14 reporting period.
- 15 (8) The full name, mailing address, occupation, and principal
- 16 place of business, if any, of each person other than a committee
- 17 to whom an expenditure was made by the committee or on behalf
- 18 of the committee within the year in an aggregate amount that:
- 19 (A) exceeds one hundred dollars (\$100), in the case of a
- 20 candidate's committee, **legislative caucus committee**, or
- 21 political action committee; or
- 22 (B) exceeds two hundred dollars (\$200), in the case of a
- 23 regular party committee.
- 24 (9) The name, address, and office sought by each candidate for
- 25 whom any expenditure was made or a statement identifying the
- 26 public question for which any expenditure was made, including
- 27 the amount, date, and purpose of each expenditure.
- 28 (10) The full name, mailing address, occupation, and principal
- 29 place of business, if any, of each person to whom an expenditure
- 30 for personal services, salaries, or reimbursed expenses was made
- 31 within the year in an aggregate amount that:
- 32 (A) exceeds one hundred dollars (\$100), in the case of a
- 33 candidate's committee, **legislative caucus committee**, or
- 34 political action committee; or
- 35 (B) exceeds two hundred dollars (\$200), in the case of a
- 36 regular party committee;
- 37 and that is not otherwise reported, including the amount, date, and
- 38 purpose of the expenditure.
- 39 (11) The total sum of expenditures made by the committee during
- 40 the reporting period.
- 41 (12) The amount and nature of debts owed by or to the committee,
- 42 and a continuous reporting of the debts after the election at the

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1 times ~~that the board requires~~ **required under this article** until the  
2 debts are extinguished.

3 **(c) If a committee:**

- 4 **(1) obtains a contribution;**  
5 **(2) determines that the contribution should not be accepted by**  
6 **the committee; and**  
7 **(3) does not receive and accept the contribution under**  
8 **IC 3-9-1-25(b);**

9 **the committee must return the contribution to the person who**  
10 **made the contribution. A returned contribution is not required to**  
11 **be listed on the report of the committee's treasurer. However, if the**  
12 **committee receives and deposits the contribution under**  
13 **IC 3-9-1-25(b) and subsequently determines that the contribution**  
14 **should be refunded, the receipt and refund of the contribution**  
15 **must be listed on the report of the committee's treasurer.**

16 SECTION 20. IC 3-9-5-16 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:  
18 Sec. 16. (a) This subsection applies to a candidate's committee **of a**  
19 **candidate whose name does not appear on the ballot at any time**  
20 **during a year and who is not a write-in candidate during that year.**  
21 The reports required to be filed by this chapter are cumulative during  
22 the year. If no contributions or expenditures have been accepted or  
23 made during a year, the treasurer of the candidate's committee shall file  
24 a statement to that effect.

25 (b) This subsection applies to a political action committee or a  
26 regular party committee. If a committee has not received or made  
27 contributions or expenditures, the committee shall file a report under  
28 section 6 of this chapter stating that no contributions or expenditures  
29 have been received or made.

30 SECTION 21. IC 3-9-5-20.1 IS ADDED TO THE INDIANA CODE  
31 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
32 UPON PASSAGE]: **Sec. 20.1. (a) This section applies only to a large**  
33 **contribution that satisfies all of the following:**

- 34 **(1) The contribution is received by a candidate, the**  
35 **candidate's committee, or the treasurer of the candidate's**  
36 **committee.**  
37 **(2) The contribution is received:**  
38 **(A) not more than twenty-five (25) days before an election;**  
39 **and**  
40 **(B) not less than forty-eight (48) hours before an election.**

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



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- 1           **(1) A primary election.**
- 2           **(2) A general election.**
- 3           **(3) A municipal election.**
- 4           **(4) A special election.**
- 5           **(5) For candidates nominated at a state convention, the state**
- 6           **convention.**
- 7           **(c) As used in this section, "large contribution" means a**
- 8           **contribution of at least one thousand dollars (\$1,000).**
- 9           **(d) The treasurer of a candidate's committee shall file a**
- 10           **supplemental large contribution report with the election division**
- 11           **or a county election board not later than forty-eight (48) hours**
- 12           **after the contribution is received. A report filed under this section**
- 13           **may be filed by facsimile (fax) transmission.**
- 14           **(e) A report required by subsection (d) must contain the**
- 15           **following information for each large contribution:**
- 16           **(1) The name of the person making the contribution.**
- 17           **(2) The address of the person making the contribution.**
- 18           **(3) If the person making the contribution is an individual, the**
- 19           **individual's occupation.**
- 20           **(4) The amount of the contribution.**
- 21           **(5) The date and time the contribution was received by the**
- 22           **treasurer, the candidate, or the candidate's committee.**
- 23           **(f) The commission shall prescribe the form for the report**
- 24           **required by this section.**
- 25           **SECTION 22. IC 4-31-13-3.5 IS AMENDED TO READ AS**
- 26           **FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.5. (a) The definitions**
- 27           **in IC 3-5-2 apply to this section to the extent they do not conflict with**
- 28           **the definitions in this article.**
- 29           **(b) This section applies only to contributions made after June 30,**
- 30           **1996.**
- 31           **(c) As used in this section, "candidate" refers to any of the**
- 32           **following:**
- 33           **(1) A candidate for a state office.**
- 34           **(2) A candidate for a legislative office.**
- 35           **(3) A candidate for a local office.**
- 36           **(d) As used in this section, "committee" refers to any of the**
- 37           **following:**
- 38           **(1) A candidate's committee.**
- 39           **(2) A regular party committee.**
- 40           **(3) A committee organized by a legislative caucus of the house of**
- 41           **the general assembly.**
- 42           **(4) A committee organized by a legislative caucus of the senate**

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of the general assembly.

(e) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the permit holder.
- (2) The person is an officer of the permit holder.
- ~~(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.~~
- ~~(4) The person is a political action committee of the permit holder.~~
- (3) The person is a political action committee of the permit holder.**

**Notwithstanding the foregoing, a person specified in clauses (1), (2), and (3) of this subsection shall not be considered a person who has an interest in a permit holder if such person meets at least one (1) of the following conditions:**

- (i) Not more than ten percent (10%) of such person's gross income as shown on such person's most recent annual federal income tax return shall have been generated from the pari-mutual wagering horse racing meeting of the permit holder and any other pari-mutual wagering horse racing meeting conducted in the United States.**
- (ii) Such person has audited financial statements for a year ended not more than 18 months prior to the time of determination of this condition and not more than ten (10%) of such person's total revenues for such year shall have been generated from the pari-mutual wagering horse racing meeting of the permit holder and any other pari-mutual wagering horse racing meeting conducted in the United States.**

(g) For purposes of this section, a permit holder is considered to have made a contribution if a contribution is made by a person who has an interest in the permit holder.

(h) **Except as provided in subsection (i),** a permit holder or a person with an interest in a permit holder may not make a contribution

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1 to a candidate or a committee during the following periods:

2 (1) The term during which the permit holder holds a permit.

3 (2) The three (3) years following the final expiration or  
4 termination of the permit holder's permit.

5 (1) **In the case of a permit holder, the term during which the  
6 permit holder holds a permit and three years following  
7 the final expiration or termination of the permit holder's  
8 permit.**

9 (2) **In the case of a person who has an interest in a permit  
10 holder, the time during which such a person is a person  
11 who has such an interest in a permit holder and the three  
12 years following the time such person ceases to be a  
13 person who has an interest in a permit holder.**

14 (i) **Notwithstanding subsection (h), a permit holder or a person  
15 with an interest in a permit holder may make a contribution to a  
16 committee during the periods described in subsection (h) if the  
17 contribution:**

18 (1) **is made for the purpose of supporting a convention or  
19 conference in Indiana or attracting a convention or  
20 conference to Indiana; and**

21 (2) **is specifically designated for that purpose.**

22 (j) A person who knowingly or intentionally violates this section  
23 commits a Class D felony.

24 SECTION 23. IC 4-33-10-2.1 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. (a) This section  
26 applies only to contributions made after June 30, 1996.

27 (b) The definitions in IC 3-5-2 apply to this section to the extent  
28 they do not conflict with the definitions in this article.

29 (c) As used in this section, "candidate" refers to any of the  
30 following:

31 (1) A candidate for a state office.

32 (2) A candidate for a legislative office.

33 (3) A candidate for a local office.

34 (d) As used in this section, "committee" refers to any of the  
35 following:

36 (1) A candidate's committee.

37 (2) A regular party committee.

38 (3) A committee organized by a legislative caucus of the house of  
39 the general assembly.

40 (4) A committee organized by a legislative caucus of the senate  
41 of the general assembly.

42 (e) As used in this section, "license" means:

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- 1 (1) an owner's license issued under this article; or  
 2 (2) a supplier's license issued under this article to a supplier of  
 3 gaming supplies or equipment, including electronic gaming  
 4 equipment.
- 5 (f) As used in this section, "licensee" means a person who holds a  
 6 license.
- 7 (g) As used in this section, "officer" refers only to either of the  
 8 following:
- 9 (1) An individual listed as an officer of a corporation in the  
 10 corporation's most recent annual report.  
 11 (2) An individual who is a successor to an individual described in  
 12 subdivision (1).
- 13 (h) For purposes of this section, a person is considered to have an  
 14 interest in a licensee if the person satisfies any of the following:
- 15 (1) The person holds at least a one percent (1%) interest in the  
 16 licensee.  
 17 (2) The person is an officer of the licensee.  
 18 ~~(3) The person is an officer of a person that holds at least a one~~  
 19 ~~percent (1%) interest in the licensee.~~  
 20 ~~(4) The person is a political action committee of the licensee.~~  
 21 **(3) The person is a political action committee of the permit**  
 22 **holder.**
- 23 **Notwithstanding the foregoing, a person specified in clauses**  
 24 **(1), (2), and (3) of this subsection shall not be considered a**  
 25 **person who has an interest in a licensee if such person meets**  
 26 **at least one (1) of the following conditions:**
- 27 **(i) not more than ten percent (10%) of such person's**  
 28 **gross income as shown on such person's most recent**  
 29 **annual federal income tax return shall have been**  
 30 **generated from the gaming operation of the licensee**  
 31 **and any other gaming operations conducted in the**  
 32 **United States.**
- 33 **(ii) such person has audited financial statements for a year**  
 34 **ended not more than 18 months prior to the time of**  
 35 **determination of this condition and not more than ten**  
 36 **(10%) of such person's total revenues for such year**  
 37 **shall have been generated from the gaming operations**  
 38 **of the licensee and any gaming operations conducted in**  
 39 **the United States.**
- 40 (i) A licensee is considered to have made a contribution if a  
 41 contribution is made by a person who has an interest in the licensee.
- 42 (j) **Except as provided in subsection (k),** a licensee or a person

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1 who has an interest in a licensee may not make a contribution to a  
2 candidate or a committee during the following periods:

3 ~~(1) The term during which the licensee holds a license.~~

4 ~~(2) The three (3) years following the final expiration or~~  
5 ~~termination of the licensee's license.~~

6 **(1) In the case of a licensee, the term during which the licensee**  
7 **holds a license and three years following the final expiration**  
8 **or termination of the licensee's license.**

9 **(2) In the case of a person who has an interest in a licensee,**  
10 **the time during which such a person is a person who has an**  
11 **interest in a licensee and the three years following the time**  
12 **such person ceases to be a person who has an interest in a**  
13 **licensee.**

14 **(k) Notwithstanding subsection (j), a licensee or a person who**  
15 **has an interest in a licensee may make a contribution to a**  
16 **committee during the periods described in subsection (j) if the**  
17 **contribution:**

18 **(1) is made for the purpose of supporting a convention or**  
19 **conference in Indiana or attracting a convention or**  
20 **conference to Indiana; and**

21 **(2) is specifically designated for that purpose.**

22 ~~(k) (l)~~ **(l) A person who knowingly or intentionally violates this section**  
23 **commits a Class D felony.**

24 **SECTION 24. P.L.3-1997, SECTION 473, IS AMENDED TO**  
25 **READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION**  
26 **114. (a) As used in this SECTION, "computer system" refers to the**  
27 **computer system described in IC 3-9-4-4.**

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

30 **(c) Notwithstanding IC 3-9-4-4, not later than April 2, 1998, the**  
31 **computer system is only required to make the annual reports required**  
32 **to be filed under IC 3-9-5-10 for calendar year 1997 in searchable,**  
33 **digital form available on the Internet.**

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

37 **(1) Identify all contributors and committees that received**  
38 **contributions from a contributor during 1997 and 1998.**

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

41 **make the reports required to be filed under IC 3-9-5 for reporting**  
42 **periods, including all or part of calendar years 1997 and 1998, in**

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1 **searchable, digital form available on the Internet.**

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

3 SECTION 25. IC 3-5-2-32.5 IS REPEALED [EFFECTIVE JULY  
4 1, 1997 (RETROACTIVE)].

5 SECTION 26. IC 3-9-5-21 IS REPEALED [EFFECTIVE UPON  
6 PASSAGE].

7 SECTION 27. IC 3-9-5-20 IS REPEALED [EFFECTIVE JULY 1,  
8 1999].

9 SECTION 28. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] (a)  
10 **This SECTION applies to a political action committee in existence**  
11 **on June 30, 1997, that is redefined as:**

12 (1) a legislative caucus committee; or

13 (2) a national party affiliate committee;

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

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

19 (c) A legislative caucus committee under this SECTION shall  
20 file a statement of organization with the election division not later  
21 than January 21, 2000, reflecting the committee's status as a  
22 legislative caucus committee.

23 (d) This SECTION expires December 31, 2000.

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

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

35 (c) This SECTION expires December 31, 1999.

36 SECTION 30. P.L.3-1997, SECTION 485, IS AMENDED TO  
37 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999  
38 (RETROACTIVE)]: (a) Notwithstanding IC 3-9-4-4(a), as amended by  
39 this act, an expenditure coding system developed or maintained by the  
40 election division or a county election board is not required to comply  
41 with the requirements of IC 3-9-4-4(a) before January 1, ~~1999~~ 2000.

42 (b) The expenditure codes required under IC 3-9-4-4(a), as amended



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1 by this act, do not apply to reports required to be filed before ~~March 31,~~  
2 ~~1999.~~ **January 1, 2000.**

3 (c) Notwithstanding IC 3-9-4-4(b), as amended by this act:  
4 (1) the computer system maintained by the election division is not  
5 required to enable the election division to provide for electronic  
6 submission, retrieval, storage, and disclosure of campaign finance  
7 reports by candidates for legislative office and state office; and  
8 (2) the election division is not required to:  
9 (A) provide training at no cost to candidates for legislative  
10 office and state office; and  
11 (B) suggest acceptable alternate electronic formats and  
12 programs to enable candidates for legislative office and state  
13 office to file campaign finance reports electronically;  
14 before ~~July 1, 1999.~~ **January 1, 2000.**

15 (d) This SECTION expires December 31, ~~1999.~~ **2000.**

16 SECTION 31. [EFFECTIVE UPON PASSAGE] (a) **Not later than**  
17 **October 1, 1999, the election division shall provide to the legislative**  
18 **council a list of proposed campaign expenditure codes required to**  
19 **be developed under IC 3-9-4-4, as amended by this act. The list**  
20 **developed under this SECTION must include explanations of the**  
21 **kinds of expenditure items that would have to be accounted for**  
22 **under each proposed code, as required under IC 3-9-4-4, as**  
23 **amended by this act.**

24 (b) **This SECTION expires October 2, 1999.**

25 SECTION 32. **An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 70 and that Senator Lawson be substituted therefor.

GARTON

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 70, 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 everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Elections.

(Reference is to SB 70 as introduced.)

GARTON, Chairperson

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill No. 70, 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:

Page 6, line 3, delete "exercising" and insert "**depositing**".

Page 6, line 4, delete "control over".

Page 6, line 4, delete "." and insert ", **subject to IC 3-9-5-14(c)**".

Page 13, line 15, after "reports" insert "**or reports transmitted by mail**".

Page 17, line 11, delete "accepts" and insert "**deposits**".

Page 18, between lines 22 and 23, begin a new paragraph and insert:  
"SECTION 22. IC 4-31-13-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.5. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to contributions made after June 30, 1996.

(c) As used in this section, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the permit holder.
- (2) The person is an officer of the permit holder.

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(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.

(4) The person is a political action committee of the permit holder.

(g) For purposes of this section, a permit holder is considered to have made a contribution if a contribution is made by a person who has an interest in the permit holder.

(h) **Except as provided in subsection (i),** a permit holder or a person with an interest in a permit holder may not make a contribution to a candidate or a committee during the following periods:

- (1) The term during which the permit holder holds a permit.
- (2) The three (3) years following the final expiration or termination of the permit holder's permit.

**(i) Notwithstanding subsection (h), a permit holder or a person with an interest in a permit holder may make a contribution to a committee during the periods described in subsection (h) if the contribution:**

- (1) is made for the purpose of supporting a convention or conference in Indiana or attracting a convention or conference to Indiana; and**
- (2) is specifically designated for that purpose.**

⊕ **(j)** A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 23. IC 4-33-10-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. (a) This section applies only to contributions made after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "license" means:

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- (1) an owner's license issued under this article; or
- (2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment.

(f) As used in this section, "licensee" means a person who holds a license.

(g) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

(h) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the licensee.
- (2) The person is an officer of the licensee.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.
- (4) The person is a political action committee of the licensee.

(i) A licensee is considered to have made a contribution if a contribution is made by a person who has an interest in the licensee.

(j) **Except as provided in subsection (k),** a licensee or a person who has an interest in a licensee may not make a contribution to a candidate or a committee during the following periods:

- (1) The term during which the licensee holds a license.
- (2) The three (3) years following the final expiration or termination of the licensee's license.

**(k) Notwithstanding subsection (j), a licensee or a person who has an interest in a licensee may make a contribution to a committee during the periods described in subsection (j) if the contribution:**

- (1) is made for the purpose of supporting a convention or conference in Indiana or attracting a convention or conference to Indiana; and**
- (2) is specifically designated for that purpose.**

~~(l)~~ **(l)** A person who knowingly or intentionally violates this section commits a Class D felony."

Page 20, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 31. [EFFECTIVE UPON PASSAGE] **(a) Not later than October 1, 1999, the election division shall provide to the legislative council a list of proposed campaign expenditure codes required to**

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be developed under IC 3-9-4-4, as amended by this act. The list developed under this SECTION must include explanations of the kinds of expenditure items that would have to be accounted for under each proposed code, as required under IC 3-9-4-4, as amended by this act.

(b) This SECTION expires October 2, 1999."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 70 as printed February 19, 1999.)

LANDSKE, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## SENATE MOTION

Mr. President: I move that Senate Bill 70 be amended to read as follows:

Replace the effective date in SECTION 21 with "[EFFECTIVE UPON PASSAGE]".

Page 18, line 9, delete "report" and insert "**file**".

Page 18, line 9, before "large" insert "**supplemental**".

Page 18, line 10, after "contribution" insert "**report with the election division or a county election board**".

(Reference is to SB 70 as printed February 24, 1999.)

LANDSKE

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 SENATE MOTION

Mr. President: I move that Senate Bill 70 be amended to read as follows:

Page 19, strike lines 12 through 15, begin a new paragraph block indented and insert:

**"(3) The person is a political action committee of the permit holder.**

**Notwithstanding the foregoing, a person specified in clauses (1), (2), and (3) of this subsection shall not be considered a person who has an interest in a permit holder if such person meets at least one (1) of the following conditions:**

- (i) **Not more than ten percent (10%) of such person's gross income as shown on such person's most recent annual federal income tax return shall have been generated from the pari-mutual wagering horse racing meeting of the permit holder and any other pari-mutual wagering horse racing meeting conducted in the United States.**
- (ii) **Such person has audited financial statements for a year ended not more than 18 months prior to the time of determination of this condition and not more than ten (10%) of such person's total revenues for such year shall have been generated from the pari-mutual wagering horse racing meeting of the permit holder and any other pari-mutual wagering horse racing meeting conducted in the United States."**

Page 19, strike lines 22 through 24, begin a new paragraph block indented and insert:

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- (1) **In the case of a permit holder, the term during which the permit holder holds a permit and three years following the final expiration or termination of the permit holder's permit.**
- (2) **In the case of a person who has an interest in a permit holder, the time during which such a person is a person who has such an interest in a permit holder and the three years following the time such person ceases to be a person who has an interest in a permit holder."**

Page 20, strike lines 29 through 31, begin a new paragraph block indented as follows:

**"(3) The person is a political action committee of the permit holder.**

**Notwithstanding the foregoing, a person specified in clauses (1), (2), and (3) of this subsection shall not be considered a person who has an interest in a licensee if such person meets at least one (1) of the following conditions:**

- (i) **not more than ten percent (10%) of such person's gross income as shown on such person's most recent annual federal income tax return shall have been generated from the gaming operation of the licensee and any other gaming operations conducted in the United States.**
- (ii) **such person has audited financial statements for a year ended not more than 18 months prior to the time of determination of this condition and not more than ten (10%) of such person's total revenues for such year shall have been generated from the gaming operations of the licensee and any gaming operations conducted in the United States."**

Page 20, strike lines 37 through 39, begin a new paragraph block indented and insert:

**"(1) In the case of a licensee, the term during which the licensee holds a license and three years following the final expiration or termination of the licensee's license.**

**(2) In the case of a person who has an interest in a licensee, the time during which such a person is a person who has an interest in a licensee and the three years following the time such person ceases to be a person who has an interest in a licensee."**

(Reference is to SB 70 as printed February 24, 1999.)

HARRISON



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