

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:
- SECTION 1. IC 3-5-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
- Sec. 2.5. "Auxiliary party organization" means an organization located within or outside Indiana that:
 - (1) is affiliated with a political party;
 - (2) proposes to influence the election of a candidate for state, legislative, local, or school board office, or the outcome of a public question; and
 - (3) has not:
 - (A) had an annual budget of five thousand dollars (\$5,000) or more in at least one (1) of the last two (2) years; or
 - (B) made a contribution of more than ~~five hundred dollars (\$500)~~ **one thousand dollars (\$1,000)** to another committee or to a candidate.
- SECTION 2. IC 3-5-2-32.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:
- Sec. 32.7. "Nomination date" refers to the following:
 - (1) For candidates nominated in a primary election, the date of the primary election.
 - (2) For candidates nominated in a convention, the date ~~of the~~ **convention is scheduled to be called to order, according to the call of the convention issued by the political party.**
 - (3) For candidates selected to fill a ballot vacancy, ~~the date the certificate of selection of the candidate is filed under~~ **IC 3-13-1-15 or IC 3-13-2-8.**
 - (4) For candidates nominated by petition, ~~the final date the petition of nomination is permitted to be filed under~~ **IC 3-8-6-10(c).**
 - (5) For write-in candidates, ~~the final date the candidate's declaration of intent to be a write-in candidate is permitted to be filed under~~ **IC 3-8-2-4.**

SECTION 3. IC 3-5-2-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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~~

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

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

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

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

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

~~(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.

SECTION 4. IC 3-9-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A committee must include in its statement of organization the following:

(1) The name and address of the committee.

(2) The purpose for which the committee is formed, **unless the committee is a candidate's committee that identifies a specific office sought by the candidate.**

(3) The name and address of the chairman and treasurer.

(4) If applicable, the name, address, office sought, and political party affiliation or independent status of each candidate whom the committee is supporting.

(5) If the committee is **a legislative caucus committee, political action committee, or regular party committee and is supporting the entire ticket of a political party**, the name of the party.

(6) If the committee is **a political action committee** supporting or opposing a public question, a brief statement of the question supported or opposed.

(7) A listing of all banks, safety deposit boxes, and other depositories used.

(8) Other information prescribed by the commission under IC 3-6-4.1-14(a)(3).

SECTION 5. IC 3-9-1-12 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A committee may disband at any time **in the manner prescribed by this section.**

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

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

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

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

- (1) **A candidate's committee for a local office.**
- (2) **A candidate's committee for a school board office.**
- (3) **A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.**
- (4) **A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.**

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

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

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

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

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

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

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

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

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

(3) **The election division or county election board shall provide notice of the proceeding by certified mail to the last**



known address of the chairman and treasurer of the committee.

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

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

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

(C) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) The election division shall arrange for the publication of an order administratively disbanding a committee in the Indiana Register. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

(6) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

- (A) One (1) or more regular party committees.
- (B) One (1) or more candidate's committees.
- (C) The election division.
- (D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.
- (E) Contributors to the committee, on a pro rata basis.

(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution and or transfer of funds does not relieve the committee or its the committee's members from civil or criminal liability.

SECTION 6. IC 3-9-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A member of a committee that has appointed a treasurer in accordance with this chapter may solicit or receive contributions as long as the member immediately turns over the contributions without diminution to the treasurer of the committee, to be disbursed and accounted for by the

treasurer as provided by this article. The treasurer shall show, in the treasurer's account and statement and in addition to the requirements of IC 3-9-5, through what member of the committee any contributions were received.

(b) A contribution is considered to be received and accepted by a committee when any member of the committee:

- (1) has physical possession of the contribution; and**
- (2) manifests an intent to keep the contribution by exercising control over the contribution.**

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

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

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

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

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

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

organized and controlled by a labor organization soliciting contributions to the political action committee by the members or executive personnel of the labor organization and the families of those individuals.

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

(b) This section applies whenever a person:

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

(2) solicits a contribution;

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

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

(1) The name of the candidate involved appears.

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

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

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

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

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

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

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

(A) a candidate;

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

(C) the committee's agents;

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

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

(A) a candidate;

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

(C) the committee's agents;

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

(3) If the communication is not authorized by:

- (A) a candidate;
- (B) an authorized political committee of a candidate; or
- (C) the committee's agents;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (A) Legislative office.

(B) State office.

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

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

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

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

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

(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 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

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

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

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

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

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

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

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

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

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

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

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

for a subsequent candidacy.

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

(e) This subsection applies to a person who:

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

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

The election board may order the auditor of state or the fiscal officer of

the political subdivision responsible for issuing the person's payment for serving in office to withhold from the person's paycheck the amount of the civil penalty assessed under this chapter. If the amount of the paycheck is less than the amount of the civil penalty, the auditor **or fiscal officer** shall continue withholding money from the person's paycheck until an amount equal to the amount of the civil penalty has been withheld.

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

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

SECTION 13. IC 3-9-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:

Sec. 6. (a) **This subsection applies to a candidate's committee.** Except as otherwise provided in this chapter, each committee, ~~its~~ **the committee's** treasurer, and each candidate shall complete a report required by this chapter current and dated as of the following dates:

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

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

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

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

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

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

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

- (1) Twenty-five (25) days before a primary election.**
- (2) Twenty-five (25) days before a general, municipal, or 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 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** report in accordance with ~~section 7~~ **section 6(a)(1)** of this chapter. ~~The~~

candidate shall file the candidate's first report ~~no~~ **not** 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 this section for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the state convention.**

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

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

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

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

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

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

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

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

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

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

SECTION 19. IC 3-9-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 14. (a) As used in this section, "threshold contribution amount" refers to the following:

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



of the committee within the year in an aggregate amount that:
(A) exceeds one hundred dollars (\$100), in the case of a candidate's committee, **legislative caucus committee**, or political action committee; or
(B) exceeds two hundred dollars (\$200), in the case of a regular party committee.

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

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

- (A) exceeds one hundred dollars (\$100), in the case of a candidate's committee, **legislative caucus committee**, or political action committee; or
- (B) exceeds two hundred dollars (\$200), in the case of a regular party committee;

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

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

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

(c) If a committee:

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

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

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

(b) This subsection applies to a political action committee or a

regular party committee. If a committee has not received or made contributions or expenditures, the committee shall file a report under section 6 of this chapter stating that no contributions or expenditures have been received or made.

SECTION 21. IC 3-9-5-20.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 20.1. (a) This section applies only to a large contribution that satisfies all of the following:**

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

(2) The contribution is received:

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

(B) not less than forty-eight (48) hours before an election.

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

(1) A primary election.

(2) A general election.

(3) A municipal election.

(4) A special election.

(5) For candidates nominated at a state convention, the state convention.

(c) As used in this section, "large contribution" means a contribution of at least one thousand dollars (\$1,000).

(d) The treasurer of a candidate's committee shall report a large contribution not later than forty-eight (48) hours after the contribution is received. A report filed under this section may be filed by facsimile (fax) transmission.

(e) A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The amount of the contribution.

(5) The date and time the contribution was received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section.

SECTION 22. P.L.3-1997, SECTION 473, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 114. (a) As used in this SECTION, "computer system" refers to the computer system described in IC 3-9-4-4.

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

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

digital form available on the Internet.

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

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

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

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

(e) This SECTION expires January 1, 2000.

SECTION 23. IC 3-5-2-32.5 IS REPEALED [EFFECTIVE JULY 1, 1997 (RETROACTIVE)].

SECTION 24. IC 3-9-5-21 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 25. IC 3-9-5-20 IS REPEALED [EFFECTIVE JULY 1, 1999].

SECTION 26. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]

(a) **This SECTION applies to a political action committee in existence on June 30, 1997, that is redefined as:**

(1) **a legislative caucus committee; or**

(2) **a national party affiliate committee;**

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

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

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

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

SECTION 27. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]

(a) **Notwithstanding IC 3-9-1-23, as amended by P.L.3-1997, SECTION 176, before January 1, 1998, the treasurer of a committee listed in IC 3-9-1-1(a) is required to keep only an account of the items that were required under IC 3-9-1-23 before the amendment to IC 3-9-1-23 took effect July 1, 1997.**

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

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

SECTION 28. P.L.3-1997, SECTION 485, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: (a) Notwithstanding IC 3-9-4-4(a), as amended by this act, an expenditure coding system developed or maintained by the election division or a county election board is not required to comply

with the requirements of IC 3-9-4-4(a) before January 1, ~~1999~~. **2000.**
 (b) The expenditure codes required under IC 3-9-4-4(a), as amended by this act, do not apply to reports required to be filed before ~~March 31, 1999~~. **January 1, 2000.**
 (c) Notwithstanding IC 3-9-4-4(b), as amended by this act:
 (1) the computer system maintained by the election division is not required to enable the election division to provide for electronic submission, retrieval, storage, and disclosure of campaign finance reports by candidates for legislative office and state office; and
 (2) the election division is not required to:
 (A) provide training at no cost to candidates for legislative office and state office; and
 (B) suggest acceptable alternate electronic formats and programs to enable candidates for legislative office and state office to file campaign finance reports electronically;
 before ~~July 1, 1999~~. **January 1, 2000.**
 (d) This SECTION expires December 31, ~~1999~~. **2000.**
SECTION 29. An emergency is declared for this act.

 (Reference is to SB 70 as introduced.)

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

GARTON Chairperson