
SENATE BILL No. 115

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-6; IC 3-9.

Synopsis: Campaign finance. Provides that an individual who takes action necessary to qualify under Indiana law for listing on the ballot or to become a write-in candidate is considered a candidate. Provides for succession in the position of a political committee's chairman or treasurer if the position becomes vacant. Establishes requirements for the transfer of a political committee's property by an outgoing treasurer of the committee. Imposes civil penalties on the treasurer of a political committee who does not file certain campaign finance reports. Provides that the reporting period for the first campaign finance report of a candidate for nomination to office in a town convention begins on the date the individual becomes a candidate and ends on the date following the date of adjournment of the town convention. Provides that expenditure codes are not required to be used for campaign finance reports covering reporting periods before January 1, 2000. Makes other technical changes in campaign finance law. (The introduced version of this bill was prepared by the census data advisory committee.)

Effective: Upon passage; July 1, 1997 (retroactive); January 1, 2000 (retroactive); July 1, 2000.

**Landske, Craycraft, Skillman,
Breux**

January 20, 2000, read first time and referred to Committee on Elections.

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Introduced

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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SENATE BILL No. 115

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 3-5-2-6 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as provided in
3 subsection (b), "candidate" means a **person an individual** who:
4 (1) has taken the action necessary to qualify under Indiana law for
5 listing on the ballot at an election or to become a write-in
6 candidate;
7 (2) has publicly announced or declared candidacy for an elected
8 office; or
9 (3) otherwise seeks nomination for or election to an elected office,
10 regardless of whether the individual wins election to the office.
11 (b) As used in ~~IC 3-9~~, **IC 3-9-1-5(b)(1)**, an individual becomes a
12 "candidate" when:
13 (1) the individual, the candidate's committee, or a person acting
14 with the consent of the individual:
15 (A) receives more than one hundred dollars (\$100) in



1 contributions; or
 2 ~~(2)~~ **(B)** makes more than one hundred dollars (\$100) in
 3 expenditures; or
 4 **(2) the individual has taken the action necessary to qualify**
 5 **under Indiana law for listing on the ballot at an election or to**
 6 **become a write-in candidate;**
 7 **whichever occurs first.**

8 SECTION 2. IC 3-9-1-2 IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Except as provided in**
 10 **subsection (e)**, each committee must have a chairman and a treasurer
 11 who are ex officio members of the committee.

12 **(b) A chairman or treasurer may resign by filing a resignation**
 13 **with the election division or the appropriate county election board.**
 14 **IC 5-8-4 applies to a resignation described by this subsection.**

15 **(c) If a chairman resigns, dies, or is removed as chairman, the**
 16 **treasurer becomes acting chairman until the committee names a**
 17 **new chairman under this article.**

18 **(d) If a treasurer resigns, dies, or is removed as treasurer, the**
 19 **chairman becomes acting treasurer until the committee names a**
 20 **new treasurer under this article.**

21 **(e) If a committee has no chairman and no treasurer following**
 22 **the resignation, death, or removal of both the chairman and the**
 23 **treasurer, the committee shall designate a new chairman and a new**
 24 **treasurer under this article not later than thirty (30) days after the**
 25 **second position becomes vacant.**

26 **(f) A person may not make an expenditure or accept a contribution**
 27 **for or on behalf of a committee without the authorization of its**
 28 **chairman or treasurer.**

29 SECTION 3. IC 3-9-1-5 IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each candidate shall have
 31 a principal committee.

32 (b) This subsection does not apply to a candidate for school board
 33 office. No later than:

- 34 (1) noon ten (10) days after becoming a candidate; or
 35 (2) noon seven (7) days after the final date and hour for filing a:
 36 (A) declaration of candidacy under IC 3-8-2 **or IC 3-8-5;**
 37 (B) petition of nomination under IC 3-8-6;
 38 (C) certificate of nomination under IC 3-8-7-8, **IC 3-10-2-15,**
 39 **or IC 3-10-6-12;**
 40 (D) certificate of candidate selection under IC 3-13-1 or
 41 IC 3-13-2; or
 42 (E) declaration of intent to be a write-in candidate under



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1 IC 3-8-2;
 2 whichever occurs first;
 3 the candidate shall file a written instrument designating the name of the
 4 principal committee and the names of the chairman and treasurer of the
 5 committee.

6 (c) This subsection applies to a candidate for school board office.
 7 Not later than noon ten (10) days after either:

- 8 (1) the candidate receives more than five hundred dollars (\$500)
 9 in contributions as a school board candidate; or
 10 (2) the candidate makes more than five hundred dollars (\$500) in
 11 expenditures as a school board candidate;

12 whichever occurs first, the candidate shall file a written instrument
 13 designating the name of the principal committee and the names of the
 14 chairman and treasurer of the committee.

15 (d) This designation may be made on the same instrument as the
 16 statement of organization required from the principal committee.

17 SECTION 4. IC 3-9-1-24.5 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: **Sec. 24.5. An outgoing treasurer of a committee
 20 shall transfer all property of the committee in the possession of the
 21 treasurer to the individual appointed as incoming treasurer of the
 22 committee or to the chairman of the committee if no incoming
 23 treasurer has been appointed. The outgoing treasurer shall
 24 transfer the property not later than noon of the date that the
 25 treasurer is required to file a report under IC 3-9-5-12.**

26 SECTION 5. IC 3-9-2-4 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 4. During a year a corporation
 28 or labor organization may not make total contributions in excess of:

- 29 (1) an aggregate of five thousand dollars (\$5,000) apportioned in
 30 any manner among all candidates for state offices (including a
 31 judge of the court of appeals whose retention in office is voted on
 32 by a district that does not include all of Indiana);
 33 (2) an aggregate of five thousand dollars (\$5,000) apportioned in
 34 any manner among all state committees of political parties;
 35 (3) an aggregate of two thousand dollars (\$2,000) apportioned in
 36 any manner among all candidates for the senate of the general
 37 assembly;
 38 (4) an aggregate of two thousand dollars (\$2,000) apportioned in
 39 any manner among all candidates for the house of representatives
 40 of the general assembly;
 41 (5) an aggregate of two thousand dollars (\$2,000) apportioned in
 42 any manner among ~~regular party~~ committees organized by a



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1 legislative caucus of the senate of the general assembly;

2 (6) an aggregate of two thousand dollars (\$2,000) apportioned in
3 any manner among ~~regular party~~ committees organized by a
4 legislative caucus of the house of representatives of the general
5 assembly;

6 (7) an aggregate of two thousand dollars (\$2,000) apportioned in
7 any manner among all candidates for school board offices and
8 local offices; and

9 (8) an aggregate of two thousand dollars (\$2,000) apportioned in
10 any manner among all central committees other than state
11 committees.

12 SECTION 6. IC 3-9-4-17.5 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2000]: **Sec. 17.5. (a) A treasurer who fails to maintain the records
15 of a committee required under IC 3-9-1-23 is subject to a civil
16 penalty under this section.**

17 **(b) If the commission or a county election board determines that
18 a treasurer has not complied with IC 3-9-1-23, the commission or
19 the county election board may assess a civil penalty of not more
20 than one thousand dollars (\$1,000) plus any investigative costs
21 incurred and documented by the election division or the county
22 election board.**

23 **(c) A civil penalty collected under this section shall be deposited
24 in the campaign finance enforcement account created under
25 IC 3-6-4.1-24 or section 17 of this chapter.**

26 SECTION 7. IC 3-9-5-1 IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]: Sec. 1. (a) Except as
28 provided in subsection (b), this chapter applies to candidates in all
29 elections and caucuses and to the following types of committees:

- 30 (1) Candidate's committees.
31 (2) Regular party committees.
32 (3) Political action committees.
33 (4) A legislative caucus committee.

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

- 35 (1) Elections to local ~~or school board~~ offices for which the
36 compensation is less than five thousand dollars (\$5,000) per year.
37 (2) Candidates for school board office except a candidate who is
38 required to file a written instrument designating a principal
39 committee under IC 3-9-1-5.
40 (3) Elections for precinct committeeman or delegate to a state
41 convention.
42 (4) An auxiliary party organization.

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1 SECTION 8. IC 3-9-5-8, AS AMENDED BY P.L.176-1999,
 2 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 8. (a) This section applies to a candidate for
 4 nomination to an office in a ~~state~~ convention who becomes a candidate
 5 less than twenty-five (25) days before the nomination date for a
 6 candidate chosen at a convention.

7 (b) A candidate is not required to file a report in accordance with
 8 section 6(a)(1) of this chapter. The candidate shall file the candidate's
 9 first report not later than noon twenty (20) days after the nomination
 10 date for a candidate chosen at a ~~state~~ convention.

11 (c) The reporting period for the first report required for a candidate
 12 begins on the date that the individual became a candidate and ends on
 13 the day following the adjournment of the ~~state~~ convention.

14 SECTION 9. IC 3-9-5-8.7 IS ADDED TO THE INDIANA CODE
 15 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: **Sec. 8.7. (a) This section applies to a candidate
 17 for nomination to office in a town convention under IC 3-8-5.**

18 (b) **A candidate is not required to file a report in accordance
 19 with section 6(a)(1) of this chapter. The candidate shall file the
 20 candidate's first report not later than noon on the second Friday
 21 after the nomination date.**

22 (c) **The reporting period for the first report required for a
 23 candidate begins on the date the individual became a candidate and
 24 ends on the day following the adjournment of the town convention.**

25 SECTION 10. P.L.176-1999, SECTION 138, IS AMENDED TO
 26 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000
 27 (RETROACTIVE)]: Sec. 138. (a) Notwithstanding IC 3-9-4-4(a), as
 28 amended by ~~this act~~, **P.L.176-1999**, an expenditure coding system
 29 developed or maintained by the election division or a county election
 30 board is not required to comply with the requirements of IC 3-9-4-4(a)
 31 before January 1, 2000.

32 (b) The expenditure codes required under IC 3-9-4-4(a), as amended
 33 by ~~this act~~, **P.L.176-1999**, do not apply to reports **required to be filed
 34 covering reporting periods ending** before January 1, 2000.

35 (c) Notwithstanding IC 3-9-4-4(b), as amended by ~~this act~~:
 36 **P.L.176-1999:**

37 (1) the computer system maintained by the election division is not
 38 required to enable the election division to provide for electronic
 39 submission, retrieval, storage, and disclosure of campaign finance
 40 reports by candidates for legislative office and state office; and

41 (2) the election division is not required to:

42 (A) provide training at no cost to candidates for legislative



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1 office and state office; and
2 (B) suggest acceptable alternate electronic formats and
3 programs to enable candidates for legislative office and state
4 office to file campaign finance reports electronically;
5 before January 1, 2000.
6 (d) This SECTION expires December 31, 2000.
7 **SECTION 11. An emergency is declared for this act.**

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