
SENATE BILL No. 151

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-2-10; IC 3-9-4-17.

Synopsis: Precinct committeemen. Requires the county chairman of a major political party to submit, not later than July 1 each year, to the county election board the name and address of the party's precinct committeeman and vice committeeman for each precinct in the county. Requires the county chairman to update the information provided not later than seven days after a change occurs. Provides that the information is open for public inspection and copying in the same manner as other public records. Provides for a civil penalty of \$50 per day, with a maximum of \$500, for each day the information is late. Provides that civil penalties collected are to be deposited in the campaign finance enforcement account.

Effective: July 1, 2011.

Banks, Holdman, Yoder

January 5, 2011, read first time and referred to Committee on Elections.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 151



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 3-6-2-10 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 10. (a) This section applies to all counties after June**
4 **30, 2011.**

5 (b) As used in this section, "board" refers to either of the
6 following:

- 7 (1) The county election board.
- 8 (2) The board of elections and registration established under
- 9 IC 3-6-5.2 or IC 3-6-5.4.

10 (c) The county chairman of a major political party shall, not
11 later than July 1 each year, submit to the board the name and
12 address of the precinct committeeman and vice committeeman of
13 that party for each precinct in the county.

14 (d) The county chairman shall submit changes to the
15 information submitted under subsection (c) not later than seven (7)
16 calendar days after the change occurs.

17 (e) The board shall specify the manner in which the information



1 required under subsections (c) and (d) must be submitted to the
2 board.

3 (f) The information submitted under subsections (c) and (d) is
4 open for public inspection and copying in the same manner as
5 other public records under IC 5-14-3. A person may not sell or use
6 for a commercial purpose information copied from submissions
7 made under this section.

8 (g) In addition to any other penalty that may be imposed, a
9 county chairman who fails to submit to the board the information
10 required under this section is subject to a civil penalty. The penalty
11 is fifty dollars (\$50) for each day the information is late, not to
12 exceed five hundred dollars (\$500), plus any investigative costs
13 incurred and documented by the board. The civil penalty limit
14 under this subsection applies separately to each submission.

15 (h) All civil penalties collected under this section shall be
16 deposited with the county treasurer for deposit by the county
17 treasurer in the campaign finance enforcement account established
18 under IC 3-9-4-17(i).

19 (i) The proceedings of a board under this section are subject to
20 IC 4-21.5.

21 (j) If, upon the unanimous vote of its entire membership, the
22 board finds that imposition of a civil penalty required to be
23 imposed under this section would be unjust under the
24 circumstances, the board may do either of the following:

- 25 (1) Waive the penalty.
- 26 (2) Reduce the penalty to an amount specified by the board.

27 SECTION 2. IC 3-9-4-17 IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) In addition to any other
29 penalty imposed, a person who does any of the following is subject to
30 a civil penalty under this section:

- 31 (1) Fails to file with a county election board a report in the
32 manner required under IC 3-9-5.
- 33 (2) Fails to file a statement of organization required under
34 IC 3-9-1.
- 35 (3) Is a committee or a member of a committee who disburses or
36 expends money or other property for any political purpose before
37 the money or other property has passed through the hands of the
38 treasurer of the committee.
- 39 (4) Makes a contribution other than to a committee subject to this
40 article or to a person authorized by law or a committee to receive
41 contributions in the committee's behalf.
- 42 (5) Is a corporation or labor organization that exceeds any of the

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- 1 limitations on contributions prescribed by IC 3-9-2-4.
- 2 (6) Makes a contribution in the name of another person.
- 3 (7) Accepts a contribution made by one (1) person in the name of
- 4 another person.
- 5 (8) Is not the treasurer of a committee subject to this article, and
- 6 pays any expenses of an election or a caucus except as authorized
- 7 by this article.
- 8 (9) Commingles the funds of a committee with the personal funds
- 9 of an officer, a member, or an associate of the committee.
- 10 (10) Wrongfully uses campaign contributions in violation of
- 11 IC 3-9-3-4.
- 12 (11) Fails to designate a contribution as required by IC 3-9-2-5(c).
- 13 (12) Violates IC 3-9-3-5.
- 14 (13) Serves as a treasurer of a committee in violation of any of the
- 15 following:
- 16 (A) IC 3-9-1-13(1).
- 17 (B) IC 3-9-1-13(2).
- 18 (C) IC 3-9-1-18.
- 19 (b) This subsection applies to a person who is subject to a civil
- 20 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
- 21 statement. If the county election board determines that a person failed
- 22 to file the report or a statement of organization not later than noon five
- 23 (5) days after being given notice under section 14 of this chapter, the
- 24 county election board may assess a civil penalty. The penalty is ten
- 25 dollars (\$10) for each day the report is late after the expiration of the
- 26 five (5) day period, not to exceed one hundred dollars (\$100) plus any
- 27 investigative costs incurred and documented by the board. The civil
- 28 penalty limit under this subsection applies to each report separately.
- 29 (c) This subsection applies to a person who is subject to a civil
- 30 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
- 31 statement. If the county election board determines that a person failed
- 32 to file the report or statement of organization by the deadline prescribed
- 33 under this article, the board shall assess a civil penalty. The penalty is
- 34 fifty dollars (\$50) for each day the report is late, with the afternoon of
- 35 the final date for filing the report or statement being calculated as the
- 36 first day. The civil penalty under this subsection may not exceed one
- 37 thousand dollars (\$1,000) plus any investigative costs incurred and
- 38 documented by the board. The civil penalty limit under this subsection
- 39 applies to each report separately.
- 40 (d) This subsection applies to a person who is subject to a civil
- 41 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
- 42 (a)(10). If the county election board determines that a person is subject

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1 to a civil penalty under subsection (a), the board may assess a civil
 2 penalty of not more than one thousand dollars (\$1,000), plus any
 3 investigative costs incurred and documented by the board.

4 (e) This subsection applies to a person who is subject to a civil
 5 penalty under subsection (a)(5). If the county election board determines
 6 that a person is subject to a civil penalty under subsection (a)(5), the
 7 board may assess a civil penalty of not more than three (3) times the
 8 amount of the contribution in excess of the limit prescribed by
 9 IC 3-9-2-4, plus any investigative costs incurred and documented by
 10 the board.

11 (f) This subsection applies to a person who is subject to a civil
 12 penalty under subsection (a)(11). If the county election board
 13 determines that a corporation or a labor organization has failed to
 14 designate a contribution in violation of IC 3-9-2-5(c), the board shall
 15 assess a civil penalty equal to the greater of the following, plus any
 16 investigative costs incurred and documented by the board:

- 17 (1) Two (2) times the amount of the contributions undesignated.
 18 (2) One thousand dollars (\$1,000).

19 (g) This subsection applies to a person who is subject to a civil
 20 penalty under subsection (a)(12). If the county election board
 21 determines, by unanimous vote of the entire membership of the board,
 22 that a person has violated IC 3-9-3-5, the board may assess a civil
 23 penalty of not more than five hundred dollars (\$500), plus any
 24 investigative costs incurred and documented by the board.

25 (h) This subsection applies to a person who is subject to a civil
 26 penalty under subsection (a)(13). If the county election board
 27 determines, by unanimous vote of the entire membership of the board,
 28 that a person has served as the treasurer of a committee in violation of
 29 any of the statutes listed in subsection (a)(13), the board may assess a
 30 civil penalty of not more than five hundred dollars (\$500), plus any
 31 investigative costs incurred and documented by the board.

32 (i) All civil penalties collected under this section **or under**
 33 **IC 3-6-2-10** shall be deposited with the county treasurer to be
 34 deposited by the county treasurer in a separate account to be known as
 35 the campaign finance enforcement account. The funds in the account
 36 are available, with the approval of the county fiscal body, to augment
 37 and supplement the funds appropriated for the administration of this
 38 article **or IC 3-6-2-10**.

39 (j) Money in the campaign finance enforcement account does not
 40 revert to the county general fund at the end of a county fiscal year.

41 (k) Proceedings of the county election board under this section are
 42 subject to IC 4-21.5.

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