

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-9-2-3 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) Notwithstanding
5 IC 23-15-5 or any other statute, **but subject to subsection (d)**, a
6 corporation or labor organization may make a contribution to aid in the:
7 (1) election or defeat of a candidate; or
8 (2) the success or defeat of:
9 (A) a political party; or
10 (B) a public question submitted to a vote in an election.
11 (b) Contributions by a corporation or labor organization are limited
12 to those authorized by sections 4, 5, and 6 of this chapter.
13 (c) A national bank or a corporation organized by authority of any
14 law of Congress must comply with contribution restrictions applicable
15 to Indiana elections under 2 U.S.C. 441b.
16 **(d) A corporation may not make a contribution authorized**
17 **under this chapter unless the contribution has been authorized by**
18 **the shareholders of the corporation at the annual meeting of the**
19 **shareholders. A contribution is considered authorized by the**
20 **shareholders under this section only if all the following apply:**
21 (1) **A written statement of intended contributions is provided**
22 **to the shareholders not later than ten (10) days before the date**
23 **of the annual meeting. The written description must contain**
24 **the following information:**

- 1 **(A) A statement of the corporation's criteria for making**
 2 **contributions.**
- 3 **(B) The names of candidates, political parties, political**
 4 **action committees, and public questions the corporation**
 5 **intends to support or oppose by making contributions.**
- 6 **(C) The total amount of contributions the corporation**
 7 **intends to make. If the corporation intends to make**
 8 **contributions to specific candidates, political parties,**
 9 **political action committees, or public questions disclosed**
 10 **under clause (B), a statement of the approximate amount**
 11 **of contributions the corporation intends to make to each**
 12 **candidate, political party, political action committee, and**
 13 **public question.**
- 14 **(2) The shareholders approve the statement required by**
 15 **subdivision (1) in the same manner that shareholders are**
 16 **required to approve other measures under the corporation's**
 17 **by-laws.**
- 18 **(3) The contribution falls fairly within the description of the**
 19 **statement required by subdivision (1) as to:**
- 20 **(A) the criteria for making contributions; or**
 21 **(B) the identity of the recipient of the contribution and the**
 22 **amount of the contribution to the recipient.**
- 23 **(4) The amount of the contribution when added to the amount**
 24 **of other contributions the corporation has made since the**
 25 **shareholders approved the statement is not greater than the**
 26 **total amount of contributions that was disclosed under**
 27 **subdivision (1)(C).**
- 28 SECTION 3. IC 3-9-2-5 IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) A contribution:
 30 (1) authorized under subsection (c) or section 4 of this chapter;
 31 (2) to a committee by a corporation or labor organization; and
 32 (3) designated by that corporation or labor organization for
 33 disbursement to a specific candidate, central committee, or other
 34 regular party committee;
 35 is subject to the limitations in section 4 of this chapter.
- 36 (b) A corporation or labor organization may make a donation to
 37 cover any amount of administrative costs (as described in
 38 IC 3-5-2-15(e)) to a political action committee established and
 39 controlled by the corporation or labor organization. A donation made
 40 under this subsection is not considered a contribution or an expenditure
 41 by the corporation or labor organization.
- 42 (c) A corporation or labor organization may make a contribution to
 43 a political action committee if the contribution:
 44 (1) does not exceed any of the limits prescribed under section 4
 45 of this chapter; and
 46 (2) is designated for disbursement to a specific candidate or

1 committee listed under section 4 of this chapter.

2 **A contribution to a political action committee by a corporation is**
 3 **subject to section 3 of this chapter.**

4 SECTION 4. IC 3-9-2-6 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) Sections 4 and 5 of this
 6 chapter do not apply to the following:

7 (1) Nonpartisan registration and get-out-the-vote campaigns:

8 (A) by a corporation aimed at its stockholders and employees;
 9 or

10 (B) by a trade association or labor organization aimed at its
 11 members.

12 (2) A contribution or transfer by an incorporated nonpartisan
 13 political action committee to any other committee.

14 (3) A contribution supporting or opposing the approval of a public
 15 question submitted to the electorate of the entire state or a local
 16 public question.

17 **(b) Section 3(d) of this chapter applies to contributions by a**
 18 **corporation for any purpose described in subsection (a).**

19 SECTION 5. IC 3-9-4-16, AS AMENDED BY P.L.225-2011,
 20 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2013]: Sec. 16. (a) In addition to any other penalty
 22 imposed, a person who does any of the following is subject to a civil
 23 penalty under this section:

24 (1) Fails to file with the election division a report in the manner
 25 required under IC 3-9-5.

26 (2) Fails to file a statement of organization required under
 27 IC 3-9-1.

28 (3) Is a committee or a member of a committee who disburses or
 29 expends money or other property for any political purpose before
 30 the money or other property has passed through the hands of the
 31 treasurer of the committee.

32 (4) Makes a contribution other than to a committee subject to this
 33 article or to a person authorized by law or a committee to receive
 34 contributions on the committee's behalf.

35 (5) Is a corporation or labor organization that exceeds any of the
 36 limitations on contributions prescribed by ~~IC 3-9-2-4~~ **IC 3-9-2**.

37 (6) Makes a contribution in the name of another person.

38 (7) Accepts a contribution made by one (1) person in the name of
 39 another person.

40 (8) Is not the treasurer of a committee subject to this article, and
 41 pays any expenses of an election or a caucus except as authorized
 42 by this article.

43 (9) Commingles the funds of a committee with the personal funds
 44 of an officer, a member, or an associate of the committee.

45 (10) Wrongfully uses campaign contributions in violation of
 46 IC 3-9-3-4.

- 1 (11) Violates IC 3-9-2-12.
 2 (12) Fails to designate a contribution as required by IC 3-9-2-5(c).
 3 (13) Violates IC 3-9-3-5.
 4 (14) Serves as a treasurer of a committee in violation of any of the
 5 following:
 6 (A) IC 3-9-1-13(1).
 7 (B) IC 3-9-1-13(2).
 8 (C) IC 3-9-1-18.
 9 (15) Fails to comply with section 4(d) of this chapter.
 10 (16) Violates IC 3-9-3-2.5 by making a communication that
 11 contains a disclaimer that is not presented in a clear and
 12 conspicuous manner required by IC 3-9-3-2.5(d) and
 13 IC 3-9-3-2.5(e). This subdivision does not apply to a person
 14 whose sole act is, in the normal course of business, participating
 15 in the preparation, printing, distribution, or broadcast of the
 16 communication containing the disclaimer.
- 17 (b) This subsection applies to a person who is subject to a civil
 18 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
 19 statement. If the commission determines that a person failed to file the
 20 amended report or statement of organization not later than noon five (5)
 21 days after being given notice under section 14 of this chapter, the
 22 commission may assess a civil penalty. The penalty is ten dollars (\$10)
 23 for each day the report is late after the expiration of the five (5) day
 24 period, not to exceed one hundred dollars (\$100) plus any investigative
 25 costs incurred and documented by the election division. The civil
 26 penalty limit under this subsection applies to each report separately.
- 27 (c) This subsection applies to a person who is subject to a civil
 28 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
 29 statement. If the commission determines that a person failed to file the
 30 report or statement of organization by the deadline prescribed under
 31 this article, the commission shall assess a civil penalty. The penalty is
 32 fifty dollars (\$50) for each day the report or statement is late, with the
 33 afternoon of the final date for filing the report or statement being
 34 calculated as the first day. The civil penalty under this subsection may
 35 not exceed one thousand dollars (\$1,000) plus any investigative costs
 36 incurred and documented by the election division. The civil penalty
 37 limit under this subsection applies to each report separately.
- 38 (d) This subsection applies to a person who is subject to a civil
 39 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
 40 (a)(10). If the commission determines that a person is subject to a civil
 41 penalty under subsection (a), the commission may assess a civil penalty
 42 of not more than one thousand dollars (\$1,000), plus any investigative
 43 costs incurred and documented by the election division.
- 44 (e) This subsection applies to a person who is subject to a civil
 45 penalty under subsection (a)(5). If the commission determines that a
 46 person is subject to a civil penalty under subsection (a)(5), the

1 commission may assess a civil penalty of not more than three (3) times
 2 the amount of the contribution ~~in excess of the limit prescribed by~~
 3 ~~IC 3-9-2-4~~, **that violates IC 3-9-2**, plus any investigative costs
 4 incurred and documented by the election division.

5 (f) This subsection applies to a person who is subject to a civil
 6 penalty under subsection (a)(11). If the commission determines that a
 7 candidate or the candidate's committee has violated IC 3-9-2-12, the
 8 commission shall assess a civil penalty equal to the greater of the
 9 following, plus any investigative costs incurred and documented by the
 10 election division:

11 (1) Two (2) times the amount of any contributions received.

12 (2) One thousand dollars (\$1,000).

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

19 (1) Two (2) times the amount of the contributions undesignated.

20 (2) One thousand dollars (\$1,000).

21 (h) This subsection applies to a person who is subject to a civil
 22 penalty under subsection (a)(13). If the commission determines, by
 23 unanimous vote of the entire membership of the commission, that a
 24 person has violated IC 3-9-3-5, the commission may assess a civil
 25 penalty of not more than five hundred dollars (\$500), plus any
 26 investigative costs incurred and documented by the election division.

27 (i) This subsection applies to a person who is subject to a civil
 28 penalty under subsection (a)(14). If the commission determines, by
 29 unanimous vote of the entire membership of the commission, that a
 30 person has served as the treasurer of a committee in violation of any of
 31 the statutes listed in subsection (a)(14), the commission may assess a
 32 civil penalty of not more than five hundred dollars (\$500), plus any
 33 investigative costs incurred and documented by the election division.

34 (j) This subsection applies to a person who is subject to a civil
 35 penalty under subsection (a)(15). The commission may assess a civil
 36 penalty equal to the costs incurred by the election division for the
 37 manual entry of the data contained in the report or statement, plus any
 38 investigative costs incurred and documented by the election division.

39 (k) This subsection applies to a person who is subject to a civil
 40 penalty under subsection (a)(16). If the commission determines that a
 41 person is subject to a civil penalty under subsection (a)(16), the
 42 commission may assess a civil penalty of not more than one thousand
 43 dollars (\$1,000) for each communication circulated or published (but
 44 not for each of the copies of the communication actually circulated or
 45 published), plus any investigative costs incurred and documented by
 46 the election division.

1 (l) All civil penalties collected under this section shall be deposited
2 with the treasurer of state in the campaign finance enforcement
3 account.

4 (m) Proceedings of the commission under this section are subject to
5 IC 4-21.5.

6 SECTION 6. IC 3-9-4-17, AS AMENDED BY P.L.225-2011,
7 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2013]: Sec. 17. (a) In addition to any other penalty
9 imposed, a person who does any of the following is subject to a civil
10 penalty under this section:

11 (1) Fails to file with a county election board a report in the
12 manner required under IC 3-9-5.

13 (2) Fails to file a statement of organization required under
14 IC 3-9-1.

15 (3) Is a committee or a member of a committee who disburses or
16 expends money or other property for any political purpose before
17 the money or other property has passed through the hands of the
18 treasurer of the committee.

19 (4) Makes a contribution other than to a committee subject to this
20 article or to a person authorized by law or a committee to receive
21 contributions in the committee's behalf.

22 (5) Is a corporation or labor organization that exceeds any of the
23 limitations on contributions prescribed by ~~IC 3-9-2-4~~ **IC 3-9-2**.

24 (6) Makes a contribution in the name of another person.

25 (7) Accepts a contribution made by one (1) person in the name of
26 another person.

27 (8) Is not the treasurer of a committee subject to this article, and
28 pays any expenses of an election or a caucus except as authorized
29 by this article.

30 (9) Commingles the funds of a committee with the personal funds
31 of an officer, a member, or an associate of the committee.

32 (10) Wrongfully uses campaign contributions in violation of
33 IC 3-9-3-4.

34 (11) Fails to designate a contribution as required by IC 3-9-2-5(c).

35 (12) Violates IC 3-9-3-5.

36 (13) Serves as a treasurer of a committee in violation of any of the
37 following:

38 (A) IC 3-9-1-13(1).

39 (B) IC 3-9-1-13(2).

40 (C) IC 3-9-1-18.

41 (14) Violates IC 3-9-3-2.5 by making a communication that
42 contains a disclaimer that is not presented in a clear and
43 conspicuous manner, as required by IC 3-9-3-2.5(d) and
44 IC 3-9-3-2.5(e). This subdivision does not apply to a person
45 whose sole act is, in the normal course of business, participating
46 in the preparation, printing, distribution, or broadcast of the

- 1 communication containing the disclaimer.
- 2 (b) This subsection applies to a person who is subject to a civil
3 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
4 statement. If the county election board determines that a person failed
5 to file the report or a statement of organization not later than noon five
6 (5) days after being given notice under section 14 of this chapter, the
7 county election board may assess a civil penalty. The penalty is ten
8 dollars (\$10) for each day the report is late after the expiration of the
9 five (5) day period, not to exceed one hundred dollars (\$100) plus any
10 investigative costs incurred and documented by the board. The civil
11 penalty limit under this subsection applies to each report separately.
- 12 (c) This subsection applies to a person who is subject to a civil
13 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
14 statement. If the county election board determines that a person failed
15 to file the report or statement of organization by the deadline prescribed
16 under this article, the board shall assess a civil penalty. The penalty is
17 fifty dollars (\$50) for each day the report is late, with the afternoon of
18 the final date for filing the report or statement being calculated as the
19 first day. The civil penalty under this subsection may not exceed one
20 thousand dollars (\$1,000) plus any investigative costs incurred and
21 documented by the board. The civil penalty limit under this subsection
22 applies to each report separately.
- 23 (d) This subsection applies to a person who is subject to a civil
24 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
25 (a)(10). If the county election board determines that a person is subject
26 to a civil penalty under subsection (a), the board may assess a civil
27 penalty of not more than one thousand dollars (\$1,000), plus any
28 investigative costs incurred and documented by the board.
- 29 (e) This subsection applies to a person who is subject to a civil
30 penalty under subsection (a)(5). If the county election board determines
31 that a person is subject to a civil penalty under subsection (a)(5), the
32 board may assess a civil penalty of not more than three (3) times the
33 amount of the contribution ~~in excess of the limit prescribed by~~
34 ~~IC 3-9-2-4, that violates IC 3-9-2,~~ plus any investigative costs
35 incurred and documented by the board.
- 36 (f) This subsection applies to a person who is subject to a civil
37 penalty under subsection (a)(11). If the county election board
38 determines that a corporation or a labor organization has failed to
39 designate a contribution in violation of IC 3-9-2-5(c), the board shall
40 assess a civil penalty equal to the greater of the following, plus any
41 investigative costs incurred and documented by the board:
- 42 (1) Two (2) times the amount of the contributions undesignated.
43 (2) One thousand dollars (\$1,000).
- 44 (g) This subsection applies to a person who is subject to a civil
45 penalty under subsection (a)(12). If the county election board
46 determines, by unanimous vote of the entire membership of the board,

1 that a person has violated IC 3-9-3-5, the board may assess a civil
2 penalty of not more than five hundred dollars (\$500), plus any
3 investigative costs incurred and documented by the board.

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

11 (i) This subsection applies to a person who is subject to a civil
12 penalty under subsection (a)(14). If the board determines that a person
13 is subject to a civil penalty under subsection (a)(14), the board may
14 assess a civil penalty of not more than one thousand dollars (\$1,000)
15 for each communication circulated or published (but not for each of the
16 copies of the communication actually circulated or published), plus any
17 investigative costs incurred and documented by the election division.

18 (j) All civil penalties collected under this section shall be deposited
19 with the county treasurer to be deposited by the county treasurer in a
20 separate account to be known as the campaign finance enforcement
21 account. The funds in the account are available, with the approval of
22 the county fiscal body, to augment and supplement the funds
23 appropriated for the administration of this article.

24 (k) Money in the campaign finance enforcement account does not
25 revert to the county general fund at the end of a county fiscal year.

26 (l) Proceedings of the county election board under this section are
27 subject to IC 4-21.5".

28 Page 1, line 4, delete "Right to Work" and insert "**Labor
29 Organization Membership**".

30 Page 2, delete lines 41 through 42, begin a new paragraph and
31 insert:

32 "**Sec. 7. A person may not require an individual to become or
33 remain a member of a labor organization.**

34 **Sec. 8. Nothing in this chapter shall be construed to prohibit
35 collective bargaining agreements that require the payment of
36 representation fees.**"

- 1 Delete page 3.
- 2 Page 4, delete lines 1 through 4.
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed January 12, 2012.)

Representative Battles