

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1004 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 3-9-4-16, AS AMENDED BY P.L.225-2011,
4 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2013]: Sec. 16. (a) In addition to any other penalty
6 imposed, a person who does any of the following is subject to a civil
7 penalty under this section:
8 (1) Fails to file with the election division a report in the manner
9 required under IC 3-9-5.
10 (2) Fails to file a statement of organization required under
11 IC 3-9-1.
12 (3) Is a committee or a member of a committee who disburses or
13 expends money or other property for any political purpose before
14 the money or other property has passed through the hands of the
15 treasurer of the committee.
16 (4) Makes a contribution other than to a committee subject to this
17 article or to a person authorized by law or a committee to receive
18 contributions on the committee's behalf.
19 (5) Is a corporation or labor organization that exceeds any of the
20 limitations on contributions prescribed by IC 3-9-2-4.
21 (6) Makes a contribution in the name of another person.
22 (7) Accepts a contribution made by one (1) person in the name of
23 another person.
24 (8) Is not the treasurer of a committee subject to this article, and

- 1 pays any expenses of an election or a caucus except as authorized
 2 by this article.
- 3 (9) Commingles the funds of a committee with the personal funds
 4 of an officer, a member, or an associate of the committee.
- 5 (10) Wrongfully uses campaign contributions in violation of
 6 IC 3-9-3-4.
- 7 (11) Violates IC 3-9-2-12.
- 8 (12) Fails to designate a contribution as required by IC 3-9-2-5(c).
- 9 (13) Violates IC 3-9-3-5.
- 10 (14) Serves as a treasurer of a committee in violation of any of the
 11 following:
- 12 (A) IC 3-9-1-13(1).
- 13 (B) IC 3-9-1-13(2).
- 14 (C) IC 3-9-1-18.
- 15 (15) Fails to comply with section 4(d) of this chapter.
- 16 (16) Violates IC 3-9-3-2.5 by making a communication that
 17 contains a disclaimer that is not presented in a clear and
 18 conspicuous manner required by IC 3-9-3-2.5(d) and
 19 IC 3-9-3-2.5(e). This subdivision does not apply to a person
 20 whose sole act is, in the normal course of business, participating
 21 in the preparation, printing, distribution, or broadcast of the
 22 communication containing the disclaimer.
- 23 (b) This subsection applies to a person who is subject to a civil
 24 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
 25 statement. If the commission determines that a person failed to file the
 26 amended report or statement of organization not later than noon five (5)
 27 days after being given notice under section 14 of this chapter, the
 28 commission may assess a civil penalty. The penalty is **the following:**
- 29 (1) Ten dollars (\$10) for each day the report is late after the
 30 expiration of the five (5) day period, not to exceed one hundred
 31 dollars (\$100) plus any investigative costs incurred and
 32 documented by the election division. The civil penalty limit under
 33 this ~~subsection~~ **subdivision** applies to each report separately.
- 34 (2) **Ten percent (10%) of the amount of the contribution to be**
 35 **reported plus any investigative costs incurred and**
 36 **documented by the election division if:**
- 37 (A) **the report is a report required to be filed under**
 38 **IC 3-9-5-20.1 or IC 3-9-5-22; and**
- 39 (B) **the amount of the contribution to be reported is fifty**
 40 **thousand dollars (\$50,000) or more.**
- 41 (c) This subsection applies to a person who is subject to a civil
 42 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
 43 statement. If the commission determines that a person failed to file the
 44 report or statement of organization by the deadline prescribed under
 45 this article, the commission shall assess a civil penalty. The penalty is
 46 fifty dollars (\$50) for each day the report or statement is late, with the

1 afternoon of the final date for filing the report or statement being
2 calculated as the first day. The civil penalty under this subsection may
3 not exceed one thousand dollars (\$1,000) plus any investigative costs
4 incurred and documented by the election division. The civil penalty
5 limit under this subsection applies to each report separately.

6 (d) This subsection applies to a person who is subject to a civil
7 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
8 (a)(10). If the commission determines that a person is subject to a civil
9 penalty under subsection (a), the commission may assess a civil penalty
10 of not more than one thousand dollars (\$1,000), plus any investigative
11 costs incurred and documented by the election division.

12 (e) This subsection applies to a person who is subject to a civil
13 penalty under subsection (a)(5). If the commission determines that a
14 person is subject to a civil penalty under subsection (a)(5), the
15 commission may assess a civil penalty of not more than three (3) times
16 the amount of the contribution in excess of the limit prescribed by
17 IC 3-9-2-4, plus any investigative costs incurred and documented by
18 the election division.

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

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

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

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

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

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

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

41 (i) This subsection applies to a person who is subject to a civil
42 penalty under subsection (a)(14). If the commission determines, by
43 unanimous vote of the entire membership of the commission, that a
44 person has served as the treasurer of a committee in violation of any of
45 the statutes listed in subsection (a)(14), the commission may assess a
46 civil penalty of not more than five hundred dollars (\$500), plus any

1 investigative costs incurred and documented by the election division.

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

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

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

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

20 SECTION 2. IC 3-9-4-17, AS AMENDED BY P.L.225-2011,
21 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JANUARY 1, 2013]: Sec. 17. (a) In addition to any other penalty
23 imposed, a person who does any of the following is subject to a civil
24 penalty under this section:

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

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

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

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

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

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

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

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

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

46 (10) Wrongfully uses campaign contributions in violation of

- 1 IC 3-9-3-4.
 2 (11) Fails to designate a contribution as required by IC 3-9-2-5(c).
 3 (12) Violates IC 3-9-3-5.
 4 (13) 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 (14) Violates IC 3-9-3-2.5 by making a communication that
 10 contains a disclaimer that is not presented in a clear and
 11 conspicuous manner, as required by IC 3-9-3-2.5(d) and
 12 IC 3-9-3-2.5(e). This subdivision does not apply to a person
 13 whose sole act is, in the normal course of business, participating
 14 in the preparation, printing, distribution, or broadcast of the
 15 communication containing the disclaimer.
- 16 (b) This subsection applies to a person who is subject to a civil
 17 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
 18 statement. If the county election board determines that a person failed
 19 to file the report or a statement of organization not later than noon five
 20 (5) days after being given notice under section 14 of this chapter, the
 21 county election board may assess a civil penalty. The penalty is **the**
 22 **following:**
- 23 (1) Ten dollars (\$10) for each day the report is late after the
 24 expiration of the five (5) day period, not to exceed one hundred
 25 dollars (\$100) plus any investigative costs incurred and
 26 documented by the board. The civil penalty limit under this
 27 ~~subsection~~ **subdivision** applies to each report separately.
- 28 (2) **Ten percent (10%) of the amount of the contribution to be**
 29 **reported plus any investigative costs incurred and**
 30 **documented by the election division if:**
- 31 (A) **the report is a report required to be filed under**
 32 **IC 3-9-5-20.1 or IC 3-9-5-22; and**
- 33 (B) **the amount of the contribution to be reported is fifty**
 34 **thousand dollars (\$50,000) or more.**
- 35 (c) This subsection applies to a person who is subject to a civil
 36 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
 37 statement. If the county election board determines that a person failed
 38 to file the report or statement of organization by the deadline prescribed
 39 under this article, the board shall assess a civil penalty. The penalty is
 40 fifty dollars (\$50) for each day the report is late, with the afternoon of
 41 the final date for filing the report or statement being calculated as the
 42 first day. The civil penalty under this subsection may not exceed one
 43 thousand dollars (\$1,000) plus any investigative costs incurred and
 44 documented by the board. The civil penalty limit under this subsection
 45 applies to each report separately.
- 46 (d) This subsection applies to a person who is subject to a civil

1 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
2 (a)(10). If the county election board determines that a person is subject
3 to a civil penalty under subsection (a), the board may assess a civil
4 penalty of not more than one thousand dollars (\$1,000), plus any
5 investigative costs incurred and documented by the board.

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

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

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

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

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

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

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

41 (j) All civil penalties collected under this section shall be deposited
42 with the county treasurer to be deposited by the county treasurer in a
43 separate account to be known as the campaign finance enforcement
44 account. The funds in the account are available, with the approval of
45 the county fiscal body, to augment and supplement the funds
46 appropriated for the administration of this article.

- 1 (k) Money in the campaign finance enforcement account does not
- 2 revert to the county general fund at the end of a county fiscal year.
- 3 (l) Proceedings of the county election board under this section are
- 4 subject to IC 4-21.5".
- 5 Renumber all SECTIONS consecutively.
 (Reference is to HB 1004 as printed January 13, 2012.)

Representative DeLaney