

IC 3-9-3

Chapter 3. Campaign Expenses

IC 3-9-3-1

Application of chapter; certain exception for political party offices

Sec. 1. (a) Except as provided in subsections (b) and (c), this chapter applies to candidates in all elections and caucuses and to the following types of committees:

- (1) Candidate's committees.
- (2) Regular party committees.
- (3) Political action committees.
- (4) An auxiliary party organization.
- (5) A legislative caucus committee.

(b) Section 4 of this chapter does not apply to candidates for federal office.

(c) Section 2.5 of this chapter does not apply to candidates for the following:

- (1) Precinct committeeman.
- (2) State convention delegate.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.145; P.L.4-1991, SEC.47; P.L.3-1993, SEC.86; P.L.3-1995, SEC.69; P.L.3-1997, SEC.182; P.L.66-2003, SEC.20.

IC 3-9-3-2

Repealed

(Repealed by P.L.3-1997, SEC.475.)

IC 3-9-3-2.5

Communications regarding clearly identified candidates; soliciting contributions; disclaimers

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 described by this section in a medium regulated by federal law to the extent that federal law regulates the appearance, content, or placement of the communication in the medium.
- (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 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) In addition to meeting the requirements of subsection (d), a disclaimer that appears on a printed communication described in subsection (b) must comply with the following:

(1) The disclaimer must be of sufficient type size to be clearly readable by the recipient of the communication. A disclaimer in 12 point type size satisfies the size requirement of this subdivision when the disclaimer is used for a yard sign, a poster, a flyer, a newspaper, a magazine, or a direct mailing.

(2) The disclaimer must be printed with a reasonable degree of color contrast between the background and the printed statement. A disclaimer satisfies the color contrast requirement of this subdivision if:

(A) the disclaimer is printed in black text on a white background; or

(B) the degree of color contrast between the background and the text of the disclaimer is not less than the color contrast between the background and the largest text used in the communication.

Notwithstanding subdivisions (1) and (2), a disclaimer satisfies the requirements of this subsection if the minimum type size of the

disclaimer is 7 point and the type color of the disclaimer contrasts with the background color.

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

(g) 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.

(h) Except as provided in subsection (i), 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.

(i) 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.

As added by P.L.3-1997, SEC.183. Amended by P.L.38-1999, SEC.31; P.L.176-1999, SEC.42; P.L.225-2011, SEC.42.

IC 3-9-3-3

Repealed

(Repealed by P.L.3-1997, SEC.475.)

IC 3-9-3-4

Contributions of money

Sec. 4. (a) Money received by a candidate or committee as a contribution may be used only:

(1) to defray any expense reasonably related to the person's or committee's:

- (A) campaign for federal, state, legislative, or local office;
- (B) continuing political activity; or
- (C) activity related to service in an elected office;

(2) to make an expenditure to any national, state, or local committee of any political party or another candidate's committee; or

(3) upon dissolution of a committee, in a manner permitted under IC 3-9-1-12.

(b) Money received by a candidate or committee as a contribution may not be used for primarily personal purposes by the candidate or by any other person except as described in subsection (a).

(c) Money received as a contribution may be invested by a committee in an account with a financial institution, savings association, or credit union, or in any equity account. Any loss resulting from an investment under this subsection must be reported as a committee expenditure. Any gain resulting from an investment under this subsection must be reported as income.

As added by P.L.13-1987, SEC.2. Amended by P.L.3-1993, SEC.87; P.L.3-1995, SEC.70; P.L.79-1998, SEC.1.

IC 3-9-3-5

False representation as office holder in campaign materials

Sec. 5. (a) This section does not apply to the following:

- (1) A communication relating to an election to a federal office.
- (2) A person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the advertising or material containing the false representation.

(b) As used in this section, "officeholder" refers to a person who holds an elected office.

(c) A person may not knowingly or intentionally authorize, finance, sponsor, or participate in the preparation, distribution, or broadcast of paid political advertising or campaign material that falsely represents that a candidate in any election is or has been an officeholder.

As added by P.L.66-2003, SEC.21.