2003
Indiana Election Division
Campaign Finance Manual

IMPORTANT NOTE ABOUT USING THIS MANUAL

This campaign finance manual has been revised to bring you the most recent changes in election law and to provide "nuts and bolts" guidance on how to comply with the campaign finance disclosure and filing requirements set forth in Indiana Code 3-9. If you are a candidate or the treasurer of a campaign finance committee (e.g., PAC, regular party committee, legislative caucus committee, or candidate committee), this manual should help you find your way through the myriad of election laws, while giving you the forms you need to comply with campaign finance disclosure provisions.

This manual is designed to serve as a resource for campaign finance requirements. Although the Election Division staff has taken every effort to ensure the accuracy of the information in this publication,

Where your legal rights are involved, do not rely on this manual. Instead, review the law yourself or consult your attorney.

We want to emphasize the importance of your compliance with applicable campaign finance requirements. **By law, you will be fined $50 per day (maximum of $1,000) for reports filed past the deadline**. Failure to timely file a campaign finance report may also subject you to criminal penalties. If your report is found to be defective, you may be fined $10 per day (maximum of $100) for failure to correct the report in a timely manner.

Since the consequences can be dire, we want to provide you with a clear guide to campaign finance compliance. You should make it a practice to contact the Election Division staff for help on any question or issue that may arise. We are happy to assist you and to help you prevent mistakes from happening from the outset.

Our campaign finance coordinators are well trained and eager to assist you. Please also feel free to contact other members of the staff, most of whom are trained to address campaign finance questions. Feel free to call, meet with us in person, or e-mail us through our Internet home page listed below.

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Chapter 1: Where and When to File

The following chart indicates where the various types of committees must file the required forms and reports. The Indiana Election Division of the Secretary of State's Office is located at Room E-204, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, 46204-2743. A county election board (CEB) is generally located in the office of the Clerk of the Circuit Court.

Type of Committee	File with Indiana Election Division	File with CEB
Regular Party Committee		
State Central Committee	X	
Congressional District Central Committee	X	
National Political Party Committee		
County, City, or Town Central Committee	X (Duplicate copy required for committees that contribute to state candidates. See IC 3-9-5-4)	X
Candidate's Principal or Exploratory Committee		
Candidate For State Office	X	
Candidate For State Legislative Office	X	Duplicate in County of Candidate's Residence (IC 3-9-5-3)
Candidate For County, City, Town, or Township Office		X
Candidate For Federal Office *		
Political Action or Legislative Caucus Committee		
Supporting or Opposing Statewide Candidates or Public Questions	X	
Supporting or Opposing State Legislative Candidates	X	
Supporting or Opposing County, City, Town, or Township Candidates or Public Questions		X
Supporting or Opposing More Than One of the Above	X	
Federal (Registered with Federal Election Commission)	Duplicate FEC Reports *(if required see page 5)*	

*Candidates for federal office do not file with either the Election Division or a county eletion board since filings are available at www.fec.gov/finance_reports.html.

2003-2004
STATE OF INDIANA
CAMPAIGN FINANCE REPORTING SCHEDULE

(All reports are due by 12:00 noon, local prevailing time)

REPORT	REPORTING PERIOD	FILING DEADLINE (whether hand delivered, mailed, or FAXed)
2002 ANNUAL REPORT	**1/1/02 – 12/31/02**	**1/15/03** **All Candidates, PACs, and Legislative Caucus Committees** **3/03/03** All Regular Party Committees
2003 PRE-MUNICIPAL PRIMARY REPORT	**1/1/03 – 4/11/03**	**4/21/03** Candidates on 2003 Municipal Primary Election ballot All PACs, and Regular Party Committees
2003 MUNICIPAL PRIMARY ELECTION SUPPLEMENTAL REPORT	**4/12/03 – 5/4/03**	No later than 48 hours after receipt of "large contributions: CANDIDATES ON 2003 Municipal PRIMARY ELECTION BALLOT ONLY
2003 PRE-ELECTION REPORT	**4/12/03 – 10/10/03**	**10/17/03** Candidates on 2003 Municipal Election ballot, all PACs, and Regular Party Committees
2003 MUNICIPAL ELECTION SUPPLEMENTAL REPORT	**10/11/03 – 11/2/03**	NO later than 48 hours after receipt of "large contributions" CANDIDATES ON 2003 MUNICIPAL GENERAL ELECTION BALLOT ONLY
2003 ANNUAL REPORT	*** 10/11/03 – 12/31/03** *** 1/1/2003 if no previous reports filed in 2003**	**1/21/04** All Candidates, PACs, and Legislative Caucus Committees **3/01/04** All Regular Party Committees

Chapter 2: Federal Candidates, Political Action Committees, and Regular Party Committees

Duplicate Filing at State and Federal Level

Candidates for federal office and federal political committees must file campaign finance reports with the Federal Election Commission (FEC). United States Senate candidates file with the Secretary of the U.S. Senate. Copies of Senate candidate reports are then forwarded to the FEC. (2 USC 431 et seq. 11 CFR 100 et seq.)

These federally required reports consist of:
(1) The federal equivalent of the committee's statement of organization.
(2) The federal campaign finance reports.
(3) Reports of independent expenditures.

State Responsibilities

Federal filing requirements are enforced at the federal, **not the state**, level. (2 USC 453. 11 CFR 108.7)

The Indiana Election Division is now part of the state waiver program where FEC candidates and political action committees no longer have to file paper copies of their reports with this Division. Two public PC terminals with Internet access to the FEC have been added at the Election Division's office to provide public access to FEC campaign finance records. However, see page 6 for special Indiana reporting requirements for some PACS.

Federal Candidates' Responsibilities

An individual who wishes to become a candidate for federal office (President of the United States, Vice-President of the United States, United States Senator, United States Representative) **should contact the Federal Election Commission** to obtain forms and information regarding federal campaign finance filing deadlines and other requirements.

The Federal Election Commission can be reached at::

Telephone: 202-694-1100 or 800-424-9530, ext. 1
Facsimile: 202-219-3496
Internet: *www.fec.gov*
Address: 999 E Street, NW
Washington, DC 20463-0002

NOTE: A candidate for federal office is NOT required to file any Indiana campaign finance forms (such as the CFA-1 or CFA-4 forms) with the Indiana Election Division. However, a candidate for nomination to federal office in a primary election MUST file a primary declaration of candidacy form (CAN-2) with the Election Division no later than noon, February 13, 2004.

Federal Reports by Political Action Committees

A political action committee wishing to accept contributions or make expenditures regarding candidates **FOR FEDERAL OFFICES ONLY**, such as President of the United States, Vice-President of the United States, United States Senator, and United States Representative, **(AND NOT FOR STATE OR LOCAL OFFICES) should contact the Federal Election Commission** to obtain forms and information regarding federal campaign finance filing deadlines and other requirements. The FEC can be reached at the address and telephone number listed above.

Special Reporting Requirements for Some Federal PACs

A political action committee which accepts contributions or makes expenditures regarding elections to federal office ONLY is NOT required to file any Indiana campaign finance forms (such as the CFA-2 or CFA-4 forms, or the "supplemental report" discussed below) with the Indiana Election Division.

Political action committees that accept contributions and make expenditures regarding **CANDIDATES FOR BOTH FEDERAL AND STATEWIDE (OR STATE LEGISLATIVE) OFFICES IN INDIANA MUST register with the Indiana Election Division by filing a copy of the CFA-2 Statement of Organization form.**

These political action committees must also file the following documents with the Election Division:

(1) A duplicate copy of its federal campaign finance report.
(2) A supplemental report itemizing information regarding contributions.

The supplemental report required for this type of political action committee under IC 3-9-5-13(b) lists contributions and expenditures **to the political action committee** by any person in an amount of more than $100 and no more than $200**, assuming that the contributions were used for state election (rather than federal election) purposes**. In practice, this means that the PAC would be reporting contributions to its "State Account" and not to its "Federal Account." The reporting of contributions to a PAC's "Federal Account" is preempted by federal law. *See FEC Advisory Opinion 1986-27.*

Indiana law permits this type of political action committee to file a duplicate copy of its federal filing (Form 3X) rather than recapitulate all of this information on the Indiana version of this form (the CFA-4). Many of these political action committees **highlight** the $100-$200 contribution entries on their duplicate copy of the FEC report, and file that copy with the Election Division. To reduce data entry costs, the Election Division encourages and welcomes “highlighting.”

If there are no contributions in excess of $100 during a reporting period, the political action committee treasurer must file a written statement to that effect with the Election Division. (IC 3-9-5-16(b))

Since the reporting of these $100-$200 contributions is solely a requirement imposed under Indiana law, the supplemental reports are subject to the same Indiana enforcement procedures that apply to delinquent or defective reports filed by other Indiana political action committees (IC 3-9-4 and IC 3-9-5).

A political action committee accepting contributions and making expenditures regarding **BOTH FEDERAL AND LOCAL CANDIDATES**, must follow the same procedure in registering and reporting with the appropriate County Election Board, rather than the Election Division.

Federal Reports by Regular Party Committees

A regular party committee which wishes to accept contributions or make expenditures regarding candidates for federal office (President of the United States, Vice-President of the United States, United States Senator, United States Representative) **should contact the Federal Election Commission** at the above address and telephone number to obtain forms and information regarding federal campaign finance filing deadlines and other requirements.

A regular party committee that accepts contributions or makes expenditures regarding elections to federal office is NOT required to file any Indiana campaign finance forms (such as the CFA-3 or CFA-4) with the Indiana Election Division.

Likewise, although Indiana Code 3-9-5-13(a) and (b) apply to all "persons" required to file duplicate copies of federal reports, such as a regular party committee, since both federal law and Indiana law only require regular party committees to itemize contributions that are more than $200, and expenditures to persons **other than committees** in an amount of more than $200, **supplemental reports are not required for these types of regular party committees under Indiana law** (IC 3-9-5-14 (a)(1)).

Chapter 3: Candidate's Committee

Definition of a Candidate: An individual may become a candidate for **other** election law purposes by acting to qualify under Indiana law for listing on the ballot at an election or to become a write-in candidate; by publicly announcing or declaring candidacy for an elected office; or otherwise by seeking nomination for an election to an elected office. **These announcements do not automatically make the individual a candidate for purposes of the Indiana Campaign Finance Act.**

For campaign finance purposes, an individual becomes a "candidate" when the individual, the candidate's committee, or a person acting with the consent of the individual:

1. receives more than $100 in contributions; or
2. makes more than $100 in expenditures. (IC 3-5-2-6)

Each candidate, when filing a declaration of candidacy or similar document, is now required to separately sign a statement indicating that the candidate is aware of requirements of the Act and agrees to comply with them. (IC 3-8-2-7)

Candidate's Committee: A candidate's committee is designated by a candidate to accept contributions and make expenditures for the purpose of promoting the candidate for election. A candidate who has not decided whether to become a candidate for a **specific** office may organize an **"exploratory committee"** (IC 3-5-2-7). This candidate must file an amended statement of organization when the individual decides to become a candidate for a specific office.

Every candidate must have a principal campaign finance committee (candidate's committee) and file a CFA-1 form designating the committee as such. The Statement of Organization form (CFA-1) must be filed by the **candidate no later than noon ten (10) days after becoming a candidate, or noon seven (7) days after the final day and hour for filing for an elected office, whichever occurs first**. (IC 3-9-1-5) If a candidate does not designate a principal campaign finance committee, the Election Division or county election board is required to designate such a committee for the candidate, naming the candidate as both the chairperson and the treasurer. (IC 3-9-1-6)

A candidate's committee cannot be the principal committee for more than one candidate. (IC 3-9-1-5 and IC 3-9-1-6)

Organizing A Candidate's Committee

Every committee must have a chairperson and a treasurer. No expenditures may be made or contributions accepted for or on behalf of a candidate's committee without the authorization of its chairperson or treasurer.

The **chairperson** is the elected or appointed head or presiding officer of the candidate's committee. Every candidate's committee must have a chairperson.

A **treasurer** of a candidate's committee:

1. Must be a United States citizen;
2. May not be the chairman of a committee except in the case of a candidate (IC 3-9-1-13);
3. Must be appointed treasurer in writing as required by (IC 3-9-1-14); and
4. Must file the written instrument of appointment as required by (IC 3-9-1-15).

A candidate may be chairman, treasurer, or both of the candidate's committee. A treasurer of one committee may be the treasurer of another committee unless the treasurer is also a candidate. (IC 3-9-1-7 and IC 3-9-1-18)

The chairman of a committee shall appoint or designate the treasurer of the committee in a written instrument. (This designation and the treasurer's written acceptance is included on the CFA-1 form.) (IC 3-9-1-14)

Forms to File

CFA-1 Candidate's Statement of Organization and Designation of Principal Committee or Exploratory Committee

Every candidate for nomination or election to an office, for which the compensation is at least $5,000 per year, must have a principal campaign finance committee. ***(See special exceptions below for candidates for local offices for which the compensation is less than $5,000 per year and candidates for school board.)***

The candidate must file the CFA–1:

1. Noon ten (10) day after becoming a candidate;

2. Noon seven (7) days after the final date and hour for filing any of the following, whichever applies to the candidate: A declaration of candidacy under IC 3-8-2, a petition of nomination under IC 3-8-6, a certificate of nomination under IC 3-8-7-8, a certificate of candidate selection to fill a ballot vacancy under IC 3-13-1 or IC 3-13-2, or declaration of intent to be an write-in candidate under IC 3-8-2;

3. The date a candidate is required to file the candidates first campaign finance report under IC 3-9-5.

LOCAL OFFICE EXCEPTION: A candidate for a local office for which the compensation for that office is less than $5,000 per year who receives more than $500 in contributions or makes more than $500 in expenditures as a candidate for the local office, must have a principal committee. A candidate that meets this exception must file the CFA-1 form no later than noon **ten (10) days after the candidate exceeds the $500 contribution or expenditure amount. (IC 3-9-1-5.5) If a candidate for a local office for which the compensation is less than $5,000 per year does not receive more than $500 in contributions or makes more than $500 in expenditures as a candidate does not have to file any campaign finance reports.**

SCHOOL BOARD OFFICE EXCEPTION: A candidate for a school board office who receives more than $500 in contributions or makes more than $500 in expenditures as a candidate for the a school board office, must have a principal committee. A candidate that meets this exception must file the CFA-1 form no later than noon **ten (10) days after the candidate exceeds the $500 contribution or expenditure amount. (IC 3-9-1-5.5)**

No later than noon fourteen (14) days after the applicable filing deadline, the Election Division or the appropriate county election board must determine if each candidate has filed the required CFA-1 form. (IC 3-8-1-1.6) If a required form is not filed, the candidate will then be appointed both as the chairperson and treasurer of the committee. (IC 3-9-1-6) Failing to file this statement will result in civil penalties. ***(See Chapter 10 of this manual for further information regarding penalties.)***

Amending the CFA-1 Form: When changes occur in the information set forth in a previously filed CFA-1 form, such as a new chairperson, treasurer, mailing address, change of committee name, change from an exploratory committee, etc., an **amended** CFA-1 form must be filed no later than ten (10) days after the change. Check the box on the CFA-1 form to indicate an amendment is filed. (IC 3-9-1-10)

NOTE: When filing an amendment, ONLY complete the line or lines where a change has been made. Either a candidate or a committee chairperson must sign the amendment.

CFA-4 Receipts and Expenditures Report of a Political Committee

In most cases, a candidate committee's treasurer must file **three** receipts and expenditures reports (pre-primary, pre-election, annual) for every calendar year in which a candidate appears on any election ballot for any office or seeks nomination for election in any caucus or state convention. The candidate's committee may also be required to file the pre-primary and pre-election "large contribution" supplemental reports (CFA-11 form), if applicable, discussed further below.

Twenty-one (21) days before the campaign finance reports are due, the Election Division mails the proper campaign finance report forms along with a notice that states the date the campaign finance reports are due. The Election Division is required to mail notices and forms only to candidates for state offices and state legislative offices. A county election board may, but is not required to, mail these forms to candidates for local office. (IC 3-9-4-14)

Pre-Primary Report: The financial report of a candidate's committee that covers the period beginning January 1 of the reporting year, (or the organizational date of the committee if after January 1), and ending 25 days before the primary election. This report must be filed with the Election Division or appropriate county election board by **noon** 7 days after the date of the report. Candidates for state legislative office must file these reports with both the Election Division and the county election board of the county in which the candidate resides. Reports transmitted by electronic mail must be filed with the Election Division or county election board not later than **noon** 7 days after the date of the report. (IC 3-9-5-6 and IC 3-9-5-7)

Pre-Election Report: The financial report of a candidate's committee that covers the period beginning 24 days before the primary election and ending 25 days before the general election. This report must be filed with the Election Division or appropriate county election board by **noon** 7 days after the date of the report. Candidates for state legislative office must file these reports with both the Election Division and the county election board in the county in which the candidate resides. Reports transmitted by electronic mail must be filed with the election division or county election board not later than **noon** 7 days after the date of the report. (IC 3-9-5-6 and IC 3-9-5-7)

Annual Report: The financial report of a candidate's committee that covers the period beginning 24 days before the general election and ending December 31 of that year. If a candidate was not seeking election that year, the report will cover the entire calendar year. This report must be filed with the Election Division or appropriate county election board by **noon** on the third Wednesday in January of the following year. Candidates for state legislative office must file these reports with both the Election Division and the county election board in the county in which the candidate resides. Reports transmitted by electronic mail must be filed with the Election Division or county election board not later than **noon** on the third Wednesday in January. (IC 3-9-5-10)

Outgoing Treasurer's Report: If a treasurer is removed, resigns or otherwise vacates the position of treasurer of a campaign finance committee, the outgoing treasurer must file a report no later than 30 days after the vacancy occurs. This report must cover the period from the most recent report up to the last day the individual was treasurer. This report is filed in the usual manner and in the same location as the other reports. (IC 3-9-5-12) The purpose of the outgoing treasurer's report is to enable the new treasurer to assume office with up-to-date records. If the outgoing treasurer is deceased, or is otherwise unable or unwilling to complete this report, the current treasurer should file this report.

Final/Disbanding Report: No later than **noon** 30 days after a candidate's committee disbands, the last treasurer must file a financial report complete as of the last day the campaign finance committee existed, covering the period since the most recent report. See the explanation of "Disbanding a Candidate's Committee" under this Chapter of the Manual for more information. (IC 3-9-5-11)

CFA-11 Supplemental "Large Contribution" Report by a Candidate's Committee ($1,000 Contributions or More)

This form is to be used by the treasurer of a candidate's committee to report "large contributions" received after the end of a pre-primary or pre-election reporting period. This form consists of a single sheet to report "large contributions" of at least $1,000 or more received by a candidate, candidate's committee, or the treasurer of a candidate's committee:

1. not more than twenty-five (25) days before a convention, primary, or general election; and
2. ending 48 hours before a convention, primary or general election (IC 3-9-5-20.1)

This form must be filed if the candidate on the election ballot receives a "large contribution." The candidate does not have to file a CFA-11 form if the candidate did not receive any "large contributions" during these reporting periods. The CFA-11 form must be filed with the Election Division or the appropriate county election board. Candidates for state legislative office must file these reports with both the Election Division and the county election board in the county in which the candidate resides.

NOTE: Any contribution reported on the supplemental report must ALSO be reported on the CFA-4 form filed after the end of the regular reporting period.

Candidates Not Seeking Nomination or Election

Generally speaking, in a year in which a candidate does not seek election to an office to which IC 3-9 applies, or does not seek nomination at a caucus or state convention for election to an office to which IC 3-9 applies, the treasurer of the candidate's committee shall file only one report that is complete as of December 31 of the previous year and covers the period since the last report. (IC 3-9-5-16) This report shall be filed with the Election Division or appropriate county election board office by noon of the third Wednesday of January of the following year. (IC 3-9-5-9)

EXCEPTION: A candidate who holds one office and is a candidate for a different office shall have the treasurer of the candidate's committee for the office the candidate holds file the following report:

1. If the committee spends, transfers in, or transfers out at least $10,000 from January 1 until 25 days before the primary election, the treasurer shall file a pre-primary report.

2. If the committee spends, transfers in, or transfers out at least $10,000 from 25 days before the primary election until 25 days before the general election, the treasurer shall file a pre-election report.

3. The treasurer shall file a report that is complete as of December 31 of the previous year and covers the period from the last report. This annual report is due by noon of the third Wednesday in January. (IC 3-9-5-9)

Convention Candidates

CFA-1 Candidate's Statement of Organization and Designation of Principal Committee or Exploratory Committee

A candidate nominated by petition must file the CFA–1 form not later than the earliest of the following:

1. Noon ten (10) day after becoming a candidate;
2. Noon seven (7) days after the final date and hour for filing a petition of nomination under IC 3-8-6.
3. The date a candidate is required to file the candidates first campaign finance report under IC 3-9-5. (IC 3-9-1-5)

CFA-4 Receipts and Expenditures Report of a Political Committee

Pre-Convention Report: This report is used by candidates for offices nominated at a Democratic, Libertarian or Republican political party convention. Convention candidates file this report instead of the pre-primary report. This report covers the period beginning January 1, of the reporting year, (or the date the individual becomes a candidate pursuant to IC 3-5-2-6 if after January 1), and ending 25 days before the convention. This report must be filed with the Election Division by **noon** 18 days before the convention. (IC 3-9-5-6 and IC 3-9-5-7)

Post-Convention Report: This report is used by candidates for offices nominated at a Democratic, Libertarian or Republican political party convention and who become candidates after the pre-convention reporting period deadline. The reporting period for this report begins on the date the individual becomes a candidate pursuant to IC 3-5-2-6 and ends on the day following the adjournment of the convention. This report is due no later than **noon** 20 calendar days after the convention convenes. (IC 3-9-5-8)

Note: Convention candidates who filed pre or post convention reports will use the day following that reporting period as the beginning of the pre-election reporting period. Thereafter, they will follow the normal reporting requirements of a candidate's committee.

Candidates Defeated at the Primary Election or Political Party Convention

The treasurer of a candidate who is required to file a pre-primary or pre-convention report and who is defeated at the primary or convention, is disqualified, or withdraws before the general election **IS NOT** required to file the pre-general election report. Instead, the treasurer must file an annual report the following January covering the period since the previous pre-primary or pre-convention report. (IC 3-9-5-9(c))

Candidates Nominated by Petition

CFA-1 Candidate's Statement of Organization and Designation of Principal Committee or Exploratory Committee

A candidate nominated by petition must file the CFA–1 form not later than the earliest of the following:

1. Noon ten (10) day after becoming a candidate;
2. Noon seven (7) days after the final date and hour for filing a petition of nomination under IC 3-8-6.
3. The date a candidate is required to file the candidates first campaign finance report under IC 3-9-5. (IC 3-9-1-5)

CFA-4 Receipts and Expenditures Report of a Political Committee

Independent and minor political party candidates nominated by petition are not required to file a campaign finance report before the "nomination date." The "nomination date" for these candidates is the final date a candidate may file the candidate's certified petition of nomination with the Election Division or appropriate county election board. (IC 3-5-2-32.7)

The reporting period for the first report (filed on the CFA-4 form) required for a candidate nominated by petition begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date (the deadline for filing certified petitions). (IC 3-9-5-8.2)

This report must be filed with the Election Division or appropriate county election board by noon 7 days after the date of the report. Candidates for state legislative office must file these reports with both the Election Division and the county election board in the county in which the candidate resides. Reports transmitted by electronic mail must be filed with the Election Division or county election board not later than noon 7 days after the date of the report. (IC 3-9-5-6 and IC 3-9-5-7)

Write-In Candidates

CFA-1 Candidate's Statement of Organization and Designation of Principal Committee or Exploratory Committee

A write- in candidate must file the CFA–1 form not later than the earliest of the following:

1. Noon ten (10) day after becoming a candidate;
2. Noon seven (7) days after the final date and hour for filing a declaration of intent to be a write-in candidate under IC 3-8-2.
3. The date a candidate is required to file the candidates first campaign finance report under IC 3-9-5. (IC 3-9-1-5)

CFA-4 Receipts and Expenditures Report of a Political Committee

Write-in candidates are not required to file campaign finance reports before the "nomination date." The "nomination date" for these candidates is the final date the candidate may file a declaration of intent to be a write-in candidate with the Election Division or appropriate county election board. (IC 3-5-2-32.7)

The reporting period for the first report (filed on the CFA-4 form) required for a write-in candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date (the deadline for filing a declaration of intent to be a write-in candidate). (IC 3-9-5-8.4)

This report must be filed with the Election Division or appropriate county election board by noon 7 days after the date of the report. Candidates for state legislative office must file these reports with both the Election Division and the county election board in the county in which the candidate resides. Reports transmitted by electronic mail must be filed with the Election Division or county election board not later than noon 7 days after the date of the report. (IC 3-9-5-6 and IC 3-9-5-7)

Candidates Selected to Fill Ballot Vacancies

CFA-1 Candidate's Statement of Organization and Designation of Principal Committee or Exploratory Committee

A candidate selected to fill a ballot vacancy must file the CFA–1 form not later than the earliest of the following:

1. Noon ten (10) day after becoming a candidate;
2. Noon seven (7) days after the final date and hour for filing a certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
3. The date a candidate is required to file the candidates first campaign finance report under IC 3-9-5. (IC 3-9-1-5)

CFA-4 Receipts and Expenditures Report of a Political Committee

Candidates selected to fill ballot vacancies are not required to file campaign finance reports before the "nomination date." The "nomination date" for these candidates is the date the certificate of selection of the candidate is filed with the Election Division or appropriate county election board. (IC 3-5-2-32.7)

Candidates selected to fill an "early" ballot vacancy (occurring more than 30 days before the general or municipal election): **The reporting period for the first report (filed on the CFA-4 form) required for a candidate selected to fill an "early" ballot vacancy begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date (the date the certificate of selection is filed). (IC 3-9-5-8.5(c)) This report must be filed with the Election Division or appropriate county election board by noon 7 days after the date of the report. Candidates for state legislative office must file these reports with both the Election Division and the county election board in the county in which the candidate resides. Reports transmitted by electronic mail must be filed with the Election Division or county election board not later than noon 7 days after the date of the report. (IC 3-9-5-6 and IC 3-9-5-7)**

Candidates selected to fill a "late" ballot vacancy (occurring 30 days or less before the general or municipal election)**: The reporting period for the first report (filed on the CFA-4 form) required for a candidate selected to fill an "late" ballot vacancy begins on the date that the individual became a candidate and ends December 31 following the election. (IC 3-9-5-8.5(d)) This report must be filed with the Election Division or county election board by noon on the third Wednesday in January of the following year.**

Candidate for Local Office with Compensation of Less than $5,000 per Year

If a candidate is seeking an office for which the compensation is less than $5,000 per year, this candidate **IS NOT REQUIRED TO FILE ANY CAMPAIGN FINANCE STATEMENT OR REPORT WITH A COUNTY ELECTION BOARD UNLESS THE CANDIDATE RECEIVES MORE THAN $500 IN CONTRIBUTIONS OR MAKES MORE THAN $500 IN EXPENDITURES. (IC 3-9-1-5.5) Once the candidate crosses the $500 threshold in contributions or expenditures, the candidate must file a Statement of Organization (CFA-1 form) to establish a principal candidate's committee no later than noon, ten (10) days after crossing this threshold. The candidate will then file campaign finance reports (CFA-4 forms) in the same manner as other candidates until the committee disbands. (IC 3-9-5-6 and IC 3-9-5-7)**

To determine whether an office receives more than $5,000 in compensation per year, the total salary that an individual receives must be computed, even if the funds come from different local government accounts. For example, if a town budget ordinance provides for the town clerk-treasurer to receive $4,000 as a base salary for the office and also allots $6,000 to the town clerk-treasurer for work performed for a town utility, the total compensation to the town clerk-treasurer is $10,000 for campaign finance reporting purposes, and candidates for that office must file reports with the county election board regardless of whether the candidate has raised more than $500 in contributions or spent more than $500 in expenditures. The same result occurs in some small townships where a township trustee receives additional compensation from another township account for serving as township assessor.

Candidates for School Board Offices

A candidate for school board office is **NOT REQUIRED TO FILE ANY CAMPAIGN FINANCE REPORT OR STATEMENT WITH A COUNTY ELECTION BOARD UNLESS THE CANDIDATE'S COMMITTEE RECEIVES MORE THAN $500 IN CONTRIBUTIONS OR MAKES MORE THAN $500 IN EXPENDITURES. (IC 3-9-1-5.5)** Once the candidate crosses the $500 threshold in contributions or expenditures, the candidate must file a Statement of Organization (CFA-1 form) to establish a principal candidate's committee no later than **noon, ten (10) days** after crossing this threshold. The candidate will then file campaign finance reports (CFA-4 forms) in the same manner as other candidates until the committee disbands. (IC 3-9-5-6 and IC 3-9-5-7)

Notice from Organization or Other Campaign Finance Committee To Candidate's Committee

CFA-5 Notice to Candidate's Committee

This form is used by any organization or other campaign finance committee (including another candidate's committee) to notify a candidate's committee of either:

1. receipt of a contribution on behalf of the candidate's committee, or
2. the expenditure of funds by the committee on behalf of a candidate's committee, if the expenditure is made in support of the candidate who is specifically identifiable, or the expenditure is made in opposition to an opponent of the candidate who is specifically identifiable. (IC 3-9-5-15)

An expenditure is not considered to be made on behalf of a candidate if the expenditure is made to inform the members of the organization or the development of the committee's political party.

When any of these events occur, this notice must be transmitted immediately to the candidate's committee. Failure to do so may create discrepancies in the Receipts and Expenditures Reports of the candidate's committee.

The CFA-5 notice must contain **ALL** information required for the candidate's committee to properly report the contribution on the CFA-4 or CFA-11 report. This form is not to be filed with the Election Division or any county election board, but must be maintained as part of the records of the candidate's committee for the same period of time as required for all other records. (IC 3-9-5-15)

Contributions

A **contribution** is any donation accepted by a candidate's committee and made for the purpose of influencing an Indiana election. A "contribution" includes cash, checks, gifts of property or services, in-kind contributions, or any other things received by the committee that have value. Contributions may be made by an individual, business, profit or non-profit corporation, trade association, labor organization, regular party committee, candidate's committee, or any other type of organization. (IC 3-5-2-15)

A contribution is considered to be received and accepted by a committee when any member of the committee:
(1) has physical possession of the contribution; and
(2) manifests an intent to keep the contribution by depositing the contribution, subject to IC 3-9-5-14(c).
(IC 3-9-1-25)

A person makes a contribution during the calendar year in which the person relinquishes control over the contribution by:
(1) depositing the contribution in the United States mail; or
(2) transferring the contribution to any other person who has been directed to convey the contribution to the person intended to be the recipient of the contribution. (IC 3-9-1-25.5)

Returning or Refunding Contributions: On occasion, a committee may decide not to accept all or part of a contribution. This may occur because the contributor is prohibited under state law from making any contribution (a foreign national, for example), or because the contributor has made a contribution that exceeds the total amount allowed in that calendar year (a corporation or labor union, for example). A committee may also decide not to accept all or part of a contribution for purely political reasons.

If a committee has not "received and accepted" the contribution by depositing the contribution in an account, or otherwise using this money (see IC 3-9-1-25), then the committee may **simply return** the contribution to the contributor. In this case, the committee is **not** required to report that the contribution was received or returned or to otherwise refer to this contribution on the committee's report.

If the committee has received and accepted the contribution by depositing the contribution in an account, or otherwise using this money (see IC 3-9-1-25), then the committee **must refund** the contribution (typically by sending a check in that amount to the contributor). The committee must both report the contribution on the appropriate contributor schedule (CFA-4 Schedule A-1, for example), and must report the refund of the contribution on CFA-4 Schedule B.

Candidate's Contribution: A candidate may make contributions to the candidate's own committee or to another campaign finance committee. Candidate contributions include expenditures made by the candidate from the candidate's personal funds to further the candidate's candidacy. Thus, if a candidate gives money to the candidate's committee, this money must be treated as a contribution or a loan and so designated on the report. If a candidate makes a direct expenditure from the candidate's own funds for a political purpose, this money must be reported as a contribution and then as an expenditure; in other words, as an in-kind contribution.

In-Kind Contribution: In-kind contributions are generally those contributions of things or services (such as posters, billboards, use of automobile, free lodging or any other type of property or services), that are paid for by another person or entity and then given to the committee or distributed by another for the benefit of the reporting committee. An in-kind contribution **does not** include a donation of cash, checks, or promissory notes. (IC 3-5-2-15)

Example: A private individual, or a committee printed and distributed 1,000 posters using the reporting candidate's picture and name, with the candidate's approval. The posters would be an in-kind contribution to the candidate's committee. If the posters have a fair market value of $250, this amount should be listed on Schedule A **and also** on Schedule B of the CFA-4 form. The reason for the double entry of the value of an in-kind contribution (on the contribution schedule and the expenditure schedule of the CFA-4) is that the receipt by a committee of a non-cash item (posters, lodging, transportation, etc.) is considered the same as receiving the value of the goods or services in money and then spending that money to obtain the goods or services. In-kind contributions are itemized generally under the same guidelines as itemized contributions, except when between campaign finance committees. (In that situation, the contribution would be considered a "Transfer-In.")

Transfer-In: When a candidate's committee receives money or things of value from another campaign finance committee (which would otherwise be considered a contribution from a candidate's, political action or regular party committee) the exchange is designated as a transfer-in. The receiving committee is required to **itemize** each transfer-in from a particular campaign finance committee **regardless of the amount** during any reporting period and also report the cumulative (aggregate) amount received during the calendar year. Transfers-in must be itemized on Schedule A of the CFA-4 form. The total of all transfers-in per reporting period must be entered in Column A line 15(a) of the CFA-4 Summary Sheet. (IC 3-5-2-15)

Itemized Contribution: Itemized contributions are those contributions received by a candidate's committee from a contributor whose individual contributions or cumulative (aggregate) contributions exceed $100 during any calendar year or reporting period. Thus, if a donor makes one contribution over $100 for a year, then the name and address of the donor and the amounts and dates of this and each subsequent contributions must be itemized (listed) on Schedule A of the CFA-4 form. The total of all itemized contributions per reporting period must be entered in Column A on line 15(a) of the CFA-4 Summary Sheet. It is not necessary to amend previously filed reports to itemize contributions of less than $100 given during the year **before** the individual crossed the threshold for itemization. (IC 3-9-5-14)

Contributions from Joint Accounts: If a committee receives an itemized contribution from an account held by more than one person (the most common example being a husband and wife whose names are both on a checking account), the contribution should be listed on the CFA-4 schedules as having been made by the person who signed the check. If the check is signed by both persons, or the check is accompanied by a written statement specifying that each person is a contributor and the amount of the contribution to be attributed to each, then the contribution should be listed on the CFA-4 schedules accordingly. If it is impossible to assign the contribution to one individual using these rules, then let both individuals be the contributor.

Unitemized Contributions: Unitemized contributions are those contributions received by a candidate's committee from contributors whose total contributions for a calendar year do not exceed $100. Thus, if a donor makes one contribution per year of under $100 or several contributions whose total is less than $100 for the year, then the total the donor gave is not itemized but is totaled with all other similar unitemized contributions. The total of all unitemized contributions per reporting period must be entered in Column A on line 15(b) of the CFA-4 Summary Sheet. (IC 3-9-5-14)

Note: If during the calendar year the cumulative contributions from any individual total $100.01 or more, then this individual must be identified on the appropriate Schedule A of the CFA-4 Report.

Example: Mr. Smith gives $10 to primary candidate Jones in March, $101 in June and another $10 in September. The June and September contributions must be itemized on the October report. The April report does not need to be amended to itemize the March contribution.

Limitations on Contributions: The most significant limitations on contributions contained in the Campaign Finance Act apply to corporations, labor organizations, state legislative candidates, certain judges and certain state employees.

A. **State Legislative Candidates:** A candidate for a state legislative office (whether an incumbent state legislator, or not) and the candidate's committee may not solicit or accept campaign contributions or conduct other fundraising activity during the "long session" (odd-numbered years). The "long session" begins for the purpose of the prohibition when the General Assembly reconvenes in January. This prohibition ends when the General Assembly adjourns sine die in an odd-numbered year.

   This prohibition **does not** apply to legislative candidates participating in regular party committee activities. This prohibition **does not** apply in even-numbered years (such as 2004, for example), although legislative caucus committees may have adopted rules restricting activity by the committee or its members. Contact the respective legislative caucus for information on this issue. (IC 3-9-2-12)

B. **Judicial Candidates:** Candidates for election to (or retention in) judicial office are governed by *The Code of Judicial Conduct*, which restricts political activity including the acceptance of contributions, by their candidates. Contact State Court Administration at 317/232-2542 for more information regarding these restrictions.

C. **Allen County Superior Court Judge Candidates:** A special statute (IC 33-5-5.1-29.5) limits the amount of contributions that may be accepted by candidates for this office to a total of $10,000 from all sources, and prohibits contributions from political parties and political action committees to their candidates.

D. **Lake County Superior Court Judge Candidates:** A special statute which only applies to Lake County superior court judges (IC 33-5-29.5-43(c)) provides that a political party shall not directly or indirectly campaign for or against a judge who is subject to a retention vote under chapter 29.5.

E. **State Employees:** Although most state employees have the right to make contributions to candidates and participate fully in the political process (IC 4-15-10-2), some employees may not solicit or receive contributions. Refer to the statutes listed below for detailed information. (IC 3-9-2-13)

IC 4-23-7-3.5 Indiana Library & Historical Department
IC 4-23-7.1-38 Indiana State Library
IC 4-23-7.2-17 Indiana Historical Bureau
IC 8-23-2-3 Indiana Department of Transportation
IC 14-9-7-1 & IC 14-10-3-10 Department of Natural Resources

(See Chapter 6 regarding Corporations and Labor Organizations for further information on contribution limitations.)

Prohibited Contributions: No contribution may be lawfully made unless it is made to a candidate's committee or to a person authorized by law to accept contributions.

All funds of a candidate's committee that accepts contributions or makes expenditures in an aggregate amount of more than two hundred dollars ($200) in a year must be segregated from and not commingled with any personal funds of officers, members, or associates of the committee. (IC 3-9-2-9)

Other prohibitions in state law apply to foreign nationals and individuals and other entities involved in the regulated gaming industries. *(See Chapter 8 for detailed information.)*

Expenditures

An **expenditure** is any payment, transfer or disbursements of money or things of value to another for political purposes. All expenditures made by a campaign finance committee must be reported on the Report of Receipts and Expenditures of a Candidate's Committee (CFA-4) for the period in which the expenditure was made. (IC 3-5-2-23)

Double Entry Method for Candidate Expenditures: If a candidate expends the candidate's own personal funds for political purposes, the amounts must be reported as a contribution to the candidate's principal committee and then as an expenditure by the candidate's committee.

Itemized Expenditure: Expenditures made by a campaign finance committee to an individual, business, group or others when the total (aggregate or cumulative) of the individual payments exceed $100 during any calendar year or reporting period must be itemized. **Example:** if a committee makes a payment that totals more than $100 for the year, then the individual receiving the payment from the committee must be itemized (listed) on Schedule B of the CFA-4. The total of all itemized expenditures per reporting period must be entered in Column A on line 17(a) of the CFA-4 Summary Sheet. (IC 3-9-5-14)

Reporting In-Kind Expenditures for Joint Fundraisers: On occasion, more than one candidate may join together for a fundraising event, with one candidate agreeing to make expenditures before the event ("the first candidate") to pay for the fundraising costs, with the understanding that the other candidate participating in the fundraiser will reimburse the first candidate for a portion of the total costs. If this occurs, a candidate reimbursing the first candidate should report this reimbursement as an expenditure occurring when funds are transferred to the first candidate, not occurring on the date of the joint fundraiser.

Unitemized Expenditure: Expenditures made by a campaign finance committee to an individual, business, group or others, the total of which does not exceed $100 during any calendar year may be reported as unitemized expenditures. The total of all unitemized expenditures per reporting period must be entered on line 17b of the Summary Sheet on the CFA-4. (IC 3-9-5-14)

Transfer-Out: When a candidate's committee transfers money or things of value to another campaign finance committee (otherwise considered an expenditure by a campaign finance committee), the committee reports this as a "transfer-out." The campaign finance committee transferring money or things of value to another campaign finance committee must itemize each transfer to a particular campaign finance committee **regardless of amount**. The receiving committee must also disclose the (aggregate or cumulative) amount transferred to that campaign finance committee during the calendar year. Transfers-out must be itemized on Schedule B of the CFA-4. The total of all transfers-out per reporting period must be entered in Column A line 17(a) of the CFA-4 Summary Sheet. (IC 3-5-2-23(b))

Note: Money received by a candidate or any committee as a contribution may not be used for primarily personal purposes by the candidate, the committee or by any other person except as described above. (IC 3-9-3-4)

Prohibited Expenditures: It is unlawful for any person, other than a treasurer, to pay any of the expenses of any committee, except as provided by law. A candidate's committee or any person may not collect, receive, keep or disburse money or other things of value, for political purposes, unless a treasurer has been appointed **and unless such money or things so received, disbursed or expended have passed through the hands of the treasurer**. **(IC 3-9-4-16(a)(3) and IC 3-9-4-17(a)(3))**

Money received by a candidate or committee as a contribution may be used only:

1. To defray any expenses reasonably related to the person's or committee's:
   a. Campaign for federal, statewide, state legislative, or local offices;
   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.

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 above. (IC 3-9-3-4) **A person who knowingly or intentionally violates IC 3-9-3-4 commits a Class A infraction and may be subject to a judgment of up to $10,000 or a civil penalty of up to $1,000 assessed by the Commission or the appropriate county election board.** (IC 3-14-1-16, IC 3-9-4-16 and IC 3-9-4-17)

Expenditure Codes

All campaign finance committees MUST enter an expenditure code for each itemized expenditure made by the committee. (IC 3-9-4-4) The committee must enter one of the four (4) codes listed below in the box at the upper left corner of the "Recipient's Name and Mailing Address" section on Schedule B of the CFA-4 form. The reverse side of the form contains instructions regarding these codes. The expenditure codes committees must use are as follows:

Code: C
Expenditure Type: Contributions

Expenditure Definition: Direct and in-kind contributions the campaign can legally make to other campaigns, political action committees, community and charitable organizations. In the description column, the filer is directed to specify who benefited and, if in-kind, what was purchased.

Code: F
Expenditure Type: Fundraising

Expenditure Definition: Expenditures, direct or in-kind, associated with holding a fundraiser, including payments to restaurants, hotels and caterers, other food and refreshment vendors, entertainers, and speakers.
**Filers are directed to use an "A" for expenditures for printed matter produced in connection with fundraising events.*

Code: A
Expenditure Type: Advertising

Expenditure Definition: Expenditures associated with the production, design, photography, copy, layout, printing, reproduction and purchase of advertising and campaign communications including:

- Radio and television advertising
- Advertising in newspapers, periodicals, and other publications
- Advertisements on billboards and yard signs
- Campaign paraphernalia such as buttons, bumper stickers, T-shirts, hats, etc.
- Websites
- Campaign literature
- Printed solicitations
- Fundraising letters
- Mailing lists

Code: O
Expenditure Type: Operations

Expenditure Definition: General campaign operating expenses and overhead including:

- Wages, salaries and benefits associated with hiring campaign employees and other paid workers who provide miscellaneous services
- Contracts, fees, and commissions paid to campaign management companies and contract consultants including law firms
- Headquarters purchase or rental
- Utilities
- Purchase or rental of office equipment and furniture for the campaign
- Surveys and Polls – Including expenditures associated with the design and production of polls, election trend reports, voter surveys, telemarketing, telephone banks, Get Out The Vote drives, etc.
- Postage – Including stamps, or metered postage, direct mail services and delivery services like United Parcel Services and Federal Express
- Travel – Including fares accommodations and meals from campaign trips

Penalty: A report without the required expenditure codes is considered a defective report. The committee may be subject to a possible civil penalty of $10 a day up to $100 plus any investigative costs if the defect is not timely corrected. *(See Chapter 10 for more information about the penalty for defective reports.)*

Debts

Debts (Loans): Debts (loans) include all money or things of value that must be repaid or returned. Debts include, but are not limited to, amount of monies or items borrowed, credit purchases, credit card accounts, or other unpaid debts.

Debts **owed by** a committee (Schedule D, CFA-4) are those items borrowed by the reporting committee from an individual, business, lending institution, credit card company or another committee.

Debts **owed to** a committee (Schedule E, CFA-4) are those items that the reporting committee has loaned to another committee or other entity with the requirement that the item or money be returned. (IC 3-9-5-14)

Credit Purchases: Credit cards, credit accounts, etc., must be listed on the Debts Owed By the Committee, CFA-4 Schedule D, to the extent that there is still an outstanding balance (amount still owing). However, any payment made to pay off a credit purchase is considered an expenditure and the vendor or individual must be itemized as such.

Investments: Money received as a contribution may be invested by a committee in an account with a financial institution, savings and loan association, or credit union, or in any equity account. Any loss resulting from an investment may be reported as a committee expenditure. Any gain resulting from an investment must be reported as income.

Indiana Election Commission Advisory Opinion 2001-01

Concerning Expenditures Permitted under IC 3-9-3-4 Regarding the Payment of Salaries or Reimbursement of Lost Wages and Expenses to Candidates by a Candidate's Committee

The Indiana Election Commission has adopted Advisory Opinion 2001-01 allowing for a candidate and a candidate's committee to execute a written contract providing that the committee will pay a salary to the candidate or a member of a candidate's household or reimburse the candidate for lost wages. This written contract must contain certain elements set forth in the Advisory Opinion included in this Manual under the Appendix. This contract must be filed with each office in which the committee is required to file the CFA-4 form before any payment is made under the contract.

Facsimile Filing of Campaign Finance Reports

The Election Division or county election board is not required to accept a campaign finance report sent by facsimile transmission unless the Indiana Election Commission or county election board has approved a policy permitting a campaign finance report or statement to be submitted by facsimile transmission. The Commission has approved the filing of reports or statements by FAX with the Election Division.(IC 3-9-5-7) Check with the appropriate county election board for more information regarding this policy.

Electronic Filing of Campaign Finance Reports

The Indiana Election Division is required to provide for the electronic submission, retrieval, storage, and disclosure of campaign finance reports filed with the Election Division. (IC 3-9-4-4)

A campaign finance committee may now submit campaign finance reports electronically to the Election Division by using software supplied by the Division. For further information regarding electronic filing, committees may contact the Election Division at (800) 622-4941 or at the e-mail address campaignfinance@iec.state.in.us.

Internet Publishing of Campaign Finance Reports

The Indiana Election Division now has a Campaign Finance Database that makes the information contained in the campaign finance reports filed with the Division available in a searchable, digital form on the Internet.

All reports filed with the Division are published on the Election Division's Internet homepage at:

www.in.gov/sos/elections and www.indianacampaignfinance.com

The Election Division strives to ensure that all entries on this homepage concerning a committee's campaign finance reports are accurate and complete. However, due to large volumes of data entry and short deadlines for publishing reports before elections, some errors can be expected to occur. If you discover an error or have a question regarding the Internet publication of a report, please contact the Election Division as soon as possible. We will work to resolve any problem quickly and efficiently.

Audits & Inquiries

The Election Division campaign finance staff or the county election board may contact your committee advising that a report or statement of organization is delinquent or defective, asking for clarification of a report or statement, or requesting information promptly.

Defective & Delinquent Reports

The Election Division and each county election board shall:

1. Ascertain whether candidates, committees or other persons have failed to file statements of organization or reports or have filed defective statements of organization or defective reports.

2. Give notice to **delinquents** to file a statement of organization or a report immediately upon receipt of notice.

3. Give notice to a committee filing a **defective** report to file a report to correct the defective report no later than noon five (5) calendar days after receiving the notice.

4. Make available for public inspection a list of delinquent reports and persons who fail to file the required statements and reports. The Election Division and each county election board shall post a list of delinquents in a public place at or near the entrance of the Commission's or board's respective offices. (IC 3-9-4-14 (2)(a))

A person who fails to file a required statement or report is subject to a civil penalty of up to $1,000 to be assessed by the Commission, county election board, or both, for the delinquent report. The penalty is $50 per day with the afternoon of the deadline day counting as the first day. The Commission or county election board may add investigative costs to the penalty. (IC 3-9-4-16(c) & IC 3-9-4-17(c))

A person who fails to file a correction to a defective report after being notified to do so is subject to a civil penalty up to $100 to be assessed by the Commission, county election board, or both. The penalty is $10 per day, with the afternoon of the fifth day after receipt of the notice counting as the first day. The Commission or county election board may add investigative costs to the penalty. (IC 3-9-4-16(b) & IC 3-9-4-17(b))

State legislative candidate's committees that violate the prohibition against fundraising during a "long session" are also subject to a civil penalty to be assessed by the Commission. This penalty is equal to the greater of $1,000 or two times the amount of the contribution received. (IC 3-9-4-16(f))

A person who fails to file a report required by the Campaign Finance Act with the appropriate office commits a Class B misdemeanor and is subject to a $1,000 fine, 180 days imprisonment, or both. (IC 3-14-1-14)

A candidate for Allen County Superior Court Judge who exceeds the special limits applicable to those candidates is also subject to a Class B misdemeanor penalty along with a civil penalty to be assessed by the Allen county election board of no more than three times the amount of the excess contribution. (IC 3-14-1-10.5)

A person who knowingly files a fraudulent report commits a Class D felony and is subject to a $10,000 fine, three years imprisonment, or both. (IC 3-14-1-13)

Disbanding a Candidate's Committee

A candidate's committee may disband at any time by giving written notification and filing a final report (CFA-4 form) with the Election Division or appropriate county election board.

NOTE: **Be certain to check the box on this form indicating that the committee is disbanding. Otherwise, the committee will remain open and the candidate's committee will be required to file an annual report the third Wednesday of each January that the committee remains open.**

If there are surplus funds, the committee may transfer the funds before disbanding to one or any combination of the following:

1. one or more regular party committees,
2. one or more candidate's committees,
3. the Election Division,
4. an organization exempt from Federal income taxation under section 501 of the Internal Revenue Code,
5. contributors to the committee (on a pro rata basis). (IC 3-9-1-12)

The funds may also be used to:

1. defray any expense reasonably related to the candidate or committee's campaign for office,
2. continuing political activity, or activity related to service in an elected office,
3. to make an expenditure to any political party committee or another candidate's committee. (IC 3-9-3-4)

A dissolution and transfer of funds does not relieve the committee or its members from civil or criminal liability. (IC 3-9-3-4)

Chapter 4: Political Action Committee and Legislative Caucus Committee

Political Action Committee: An organization located within or outside Indiana that:

(1) proposes to influence the election or defeat of a candidate for state, legislative, local or school board office or the outcome of a public question that will appear on the ballot in Indiana, **and**

(2) accepts contributions or makes expenditures during a calendar year that in the aggregate exceed one hundred dollars ($100).

"Political Action Committee" also refers to all campaign finance committees that **are not** candidate's committees, regular party committees, legislative caucus committees, or an auxiliary party organization. (IC 3-5-2-37)

A corporation or labor organization that makes a contribution authorized by state law or makes an expenditure is not considered a PAC.

Legislative Caucus Committee: An organization that is (1) organized by members of the general assembly who belong to the same state political party; (2) proposes to influence only the election of candidates for legislative office; and (3) accepts contributions or makes expenditures that exceed $100 during a calendar year to influence only the election of candidates for legislative office. (IC 3-5-2-27.3)

As used in this Chapter "PAC" refers to political action committees and legislative caucus committees unless otherwise indicated.

Organizing a Political Action Committee

Every political action committee must have a chairperson and a treasurer. No expenditures may be made or contributions accepted for or on behalf of a political action committee without the authorization of its chairperson or treasurer. Within ten (10) days after it becomes a political action committee, the committee must file a statement of organization (CFA-2 form). This form contains a line for a committee to indicate if it is a "legislative caucus committee" rather than a political action committee. (IC 3-9-1-3)

The **chairperson** is the elected or appointed head or presiding officer of the political action committee. Every political action committee must have a chairperson.

A **treasurer** of the political action committee:
1. Must be a United States citizen;
2. May not be the chairman of a committee (IC 3-9-1-13);
3. Must be appointed treasurer in writing as required by IC 3-9-1-14; and
4. Must file the written instrument of appointment as required by IC 3-9-1-15.

A treasurer of a political action committee may be the treasurer of another campaign finance committee unless the treasurer is also a candidate. (IC 3-9-1-18)

The chairman of a committee shall appoint or designate the treasurer of the committee in a written instrument. (This is included on the CFA-2 form.) (IC 3-9-1-14)

Forms to File

CFA-2 Political Action Committee Statement of Organization

All political action committees must file a statement of organization (CFA-2 form) to disclose the committee's organization and purpose.

The political action committee must file the CFA-2 form no later than ten (10) days after the committee becomes a PAC. Both the chairperson and the treasurer must sign this form. (IC 3-9-1-3 and IC 3-9-1-4)

Amending the CFA-2 Form: When changes occur in the information set forth in a previously filed CFA-2 form, such as a new chairperson, treasurer, mailing address, change of committee name, etc., an amended CFA-2 form must be filed no later than ten (10) days after the change. Check the box on the CFA-2 form to indicate an amendment is filed. (IC 3-9-1-10)

NOTE: When filing an amendment, ONLY complete the line or lines where a change has been made. The chairperson must sign the amendment.

CFA-4 Receipts and Expenditures Report of a Political Committee

Generally speaking, a political action committee treasurer must file **three** receipts and expenditures reports (pre-primary, pre-election, and annual) for every calendar year in which the political action committee makes a contribution or expenditure to influence an Indiana election.

NOTE: If a political action committee has not received or made contributions or expenditures before a primary, general or municipal election, the political action committee must file a report stating that none have been made. (IC 3-9-5-16)

Pre-Primary Report: The financial report of a political action committee that covers the period beginning January 1 of the reporting year, (or the organizational date of the committee if after January 1), and ending 25 days before the primary election. This report must be filed with the Election Division or appropriate county election board by **noon** 7 days after the date of the report. Reports transmitted by electronic mail must be filed with the Election Division or county election board not later than **noon** 7 days after the date of the report. (IC 3-9-5-6 and IC 3-9-5-7)

Pre-Election Report: The financial report of a political action committee that covers the period beginning 24 days before the primary election and ending 25 days before the general election. This report must be filed with the Election Division or appropriate county election board by **noon** 7 days after the date of the report. Reports transmitted by electronic mail must be filed with the Election Division or county election board not later than **noon** 7 days after the date of the report. (IC 3-9-5-6 and IC 3-9-5-7)

Annual Report: The financial report of a political action committee that covers the period beginning 24 days before the general election and ending December 31 of that year. This report must be filed with the Election Division or appropriate county election board by **noon** on the third Wednesday in January of the following year. Reports transmitted by electronic mail must be filed with the Election Division or county election board not later than **noon** on the third Wednesday in January. (IC 3-9-5-10)

Note: A legislative caucus committee is only required to file an annual report for its activity in an odd-numbered year. It is not required to file a pre-primary or pre-election report during municipal election years. (IC 3-9-5-6(c))

Outgoing Treasurer's Report: If a treasurer is removed, resigns or otherwise vacates the position of treasurer of a political action committee, the outgoing treasurer must file a report no later than 30 days after the vacancy occurs. This report must cover the period from the most recent report up to the last day the individual was treasurer. This report is filed in the usual manner and in the same location as the other reports. (IC 3-9-5-12) The purpose of the outgoing treasurer's report is to enable the new treasurer to assume office with up-to-date records. Candidates for state legislative office must file these reports with both the Election Division and the county election board in the county in which the candidates resides.

Final/Disbanding Report: No later than **noon** 30 days after a political action committee disbands, the last person to be treasurer must file a financial report complete as of the last day the political action committee existed, covering the period since the most recent report. See the explanation of "Disbanding of a Political Action Committee" under this Chapter of the Manual for more information. (IC 3-9-5-11)

Contributions

A **contribution** is any donation accepted by a political action committee governed by Indiana's election laws. A "contribution" includes cash, checks, gifts of property or services, in-kind contributions, or any other things received by the committee that have value. Contributions may be made by an individual, business, profit or non-profit corporation, trade association, labor organization, regular party committee, candidate's committee, or any other type of organization. However, whenever a PAC accepts a donation of rent, office expenses, management fees, costs of solicitation of contributions, or other administrative costs, the PAC is <u>not</u> considered to be receiving a contribution. (IC 3-5-2-15)

A contribution is considered to be received and accepted by a committee when any member of the committee:
(1) has physical possession of the contribution; and
(2) manifests an intent to keep the contribution by depositing the contribution, subject to IC 3-9-5-14(c). (IC 3-9-1-25)

A person makes a contribution during the calendar year in which the person relinquishes control over the contribution by:
(1) depositing the contribution in the United States mail; or
(2) transferring the contribution to any other person who has been directed to convey the contribution to the person intended to be the recipient of the contribution. (IC 3-9-1-25.5)

Returning or Refunding Contributions: On occasion, a committee may decide not to accept all or part of a contribution. This may occur because the contributor is prohibited under state law from making any contribution (a foreign national, for example), or because the contributor has made a contribution that exceeds the total amount allowed in that calendar year (a corporation or labor union, for example). A committee may also decide not to accept all or part of a contribution for purely political reasons.

If a committee has not "received and accepted" the contribution by depositing the contribution in an account, or otherwise using this money (see IC 3-9-1-25), then the committee may **simply return** the contribution to the contributor. In this case, the committee is **not** required to report that the contribution was received or returned or to otherwise refer to this contribution on the committee's report.

If the committee has received and accepted the contribution by depositing the contribution in an account, or otherwise using this money (see IC 3-9-1-25), then the committee **must refund** the contribution (typically by sending a check in that amount to the contributor). The committee must both report the contribution on the appropriate contributor schedule (CFA-4 Schedule A-1, for example), and must report the refund of the contribution on CFA-4 Schedule B.

In-Kind Contribution: In-kind contributions are generally those contributions of things or services (such as posters, billboards, use of automobile, free lodging or any other types of property or services), that are paid for by another person or entity and then given to the committee or distributed by another for the benefit of the reporting committee. An in-kind contribution **does not** include a donation of cash, checks, or promissory notes. (IC 3-5-2-15)

Example: A private individual, or a committee printed and distributed 1,000 posters using the reporting PAC's name, with the PAC's approval. The posters would be an in-kind contribution to the PAC. If the posters have a fair market value of $250, this amount should be listed on Schedule A **and also** on Schedule B of the CFA-4 form. The reason for the double entry of the value of an in-kind contribution (on the contribution schedule and the expenditure schedule of the CFA-4) is that the receipt by a committee of a non-cash item (posters, lodging, transportation, etc.) is considered the same as receiving the value of the goods or services in money and then spending that money to obtain the goods or services. In-kind contributions are itemized generally under the same guidelines as itemized contributions, except when between campaign finance committees. (In that situation, the contribution would be considered a "Transfer-In.")

Transfer-In: When a political action committee receives money or things of value from another campaign finance committee (which would otherwise be considered a contribution from a candidate's, political action or regular party committee) the exchange is designated as a transfer-in. The receiving political action committee is required to **itemize** each transfer-in from a particular campaign finance committee **regardless of the amount** during any reporting period and also report the cumulative (aggregate) amount received during the calendar year. Transfers-in must be itemized on Schedule A-4 (PACS) or A-5 (other organizations) of the CFA-4. The total of all transfers-in per reporting period must be entered in Column A line 15(a) of the CFA-4 Summary Sheet. (IC 3-5-2-15)

Itemized Contribution: Itemized contributions are those contributions received by a political action committee from a contributor whose individual contributions or cumulative (aggregate) contributions exceed $100 during any calendar year or reporting period. Thus, if a donor makes one contribution over $100 for a year, then the name and address of the donor and the amounts and dates of this and each subsequent contribution must be itemized (listed) on Schedule A of the CFA-4 form. The total of all itemized contributions per reporting period must be entered in Column A on line 15(a) of the CFA-4 Summary Sheet. It is not necessary to amend previously filed reports to itemize contributions of less than $100 given during the year **before** the individual crossed the threshold for itemization. (IC 3-9-5-14)

Contributions from Joint Accounts: If a committee receives an itemized contribution from an account held by more than one person (the most common example being a husband and wife whose names are both on a checking account), the contribution should be listed on the CFA-4 schedules as having been made by the person who signed the check. If the check is signed by both persons, or the check is accompanied by a written statement specifying that each person is a contributor and the amount of the contribution to be attributed to each, then the contribution should be listed on the CFA-4 schedules accordingly. If it is impossible to assign a contribution to one individual using these rules, then let both individuals be the contributor.

Unitemized Contribution: Unitemized contributions are those contributions received by a political action committee from contributors whose total contributions for a calendar year do not exceed $100. Thus, if a donor makes one contribution per year of under $100 or several contributions whose total is less than $100 for the year, than the total the donor gave is not itemized but must be totaled with all other similar unitemized contributions. The total of all unitemized contributions per reporting period must be entered in Column A on line 15(b) of the CFA-4 Summary Sheet. (IC 3-9-5-14).

Note: If during the calendar year the cumulative contributions from any individual total $100.01 or more, then this individual must be identified on the appropriate Schedule A of the CFA-4 Report.

Example: Mr. Smith gives $10 to Good Government PAC in March, $101 in June and another $10 in September. The June and September contributions must be itemized on the October report. The April pre-primary report does not need to be amended to itemize the March contribution.

Limitations on Contributions: The most significant limitations on contributions contained in the Campaign Finance Act apply to corporations, labor organizations, state legislative candidates, certain judges and certain state employees.

A. **State Legislative Candidates:** A candidate for a state legislative office (whether an incumbent state legislator or not) and the candidate's committee may not solicit or accept campaign contributions or conduct other fundraising activity during the "long session" (odd-numbered years). The "long session" begins for the purpose of the prohibition, when the General Assembly reconvenes in January. This prohibition ends when the General Assembly adjourns sine die in an odd-numbered year.

   This prohibition **does not** apply to legislative candidates participating in regular party committee activities. This prohibition **does not** apply in even-numbered years (such as 2004, for example), although legislative caucus committees may have adopted rules restricting activity by the committee or its members. Contact the respective legislative caucus for information on this issue. (IC 3-9-2-12)

B. **Judicial Candidates:** Candidates for election to (or retention in) judicial office are governed by *The Code of Judicial Conduct*, which restricts political activity including the acceptance of contributions, by their candidates. Contact State Court Administration at 317/232-2542 for more information regarding these restrictions.

C. **Allen County Superior Court Judge Candidates:** A special statute (IC 33-5-5.1-29.5) limits the amount of contributions that may be accepted by candidates for this office to a total of $10,000 from all sources, and prohibits contributions from political parties and political action committees to their candidates.

D. **Lake County Superior Court Judge Candidates:** A special statute which only applies to Lake County superior court judges (IC 33-5-29.5-43(c)) provides that a political party shall not directly or indirectly campaign for or against a judge who is subject to a retention vote under chapter 29.5.

E. **State Employees:** Although most state employees have the right to make contribution to candidates and participate fully in the political process (IC 4-15-10-2), some employees may not solicit or receive contributions. Refer to the statutes listed below for detailed information. (IC 3-9-2-13)

IC 4-23-7-3.5 Indiana Library & Historical Department
IC 4-23-7.1-38 Indiana State Library
IC 4-23-7.2-17 Indiana Historical Bureau
IC 8-23-2-3 Department of Transportation
IC 14-9-7-1 & IC 14-10-3-10 Department of Natural Resources

(See Chapter 6 regarding Corporations and Labor Organizations for further information on contribution limitations.)

Prohibited Contributions: No contribution may be lawfully made unless it is made to a political action committee or to a person authorized by law to accept contributions.

All funds of a political action committee that accepts contributions or makes expenditures in an aggregate amount of more than two hundred dollars ($200) in a year must be segregated from and not commingled with any personal funds of officer, members, or associates of the committee. (IC 3-9-2-9)

Other prohibitions in state law apply to foreign nationals and individuals and other entities involved in the regulated gaming industries. *(See Chapter 8 for detailed information.)*

Expenditures

An **expenditure** is any payment, transfer or disbursements of money or things of value to another for political purposes. All expenditures made by a campaign finance committee must be reported on the Report of Receipts and Expenditures of a political action committee (CFA-4) for the period in which the expenditure was made. (IC 3-5-2-23)

Itemized Expenditure: Expenditures made by a campaign finance committee to an individual, business, group or others when the total (aggregate or cumulative) of the individual payments exceed $100 during any calendar year or reporting period must be itemized. **Example:** If a committee makes a payment that totals more than $100 for the year, then the individual receiving the payment from the committee must be itemized (listed) on Schedule B of the CFA-4. The total of all itemized expenditures per reporting period must be entered in Column A on line 17(a) of the CFA-4 Summary Sheet. (IC 3-9-5-14)

Unitemized Expenditure: Expenditures made by a political action committee to an individual, business, group or others, the total of which does not exceed $100 during any calendar year may be reported as unitemized expenditures. The total of all unitemized expenditures per reporting period must be entered on line 17b of the Summary Sheet on the CFA-4. (IC 3-9-5-14)

Transfer-Out: When a political action committee transfers money or things of value to another campaign finance committee (otherwise considered an expenditure by a campaign finance committee) the committee reports this as a "transfer-out." The campaign finance committee transferring money or things of value to another campaign finance committee must itemize each transfer to a particular campaign finance committee **regardless of amount**. The receiving committee must also disclose the (aggregate or cumulative) amount transferred to that campaign finance committee during the calendar year. Transfers-out must be itemized on Schedule B of the CFA-4. The total of all transfers-out per reporting period must be entered in Column A line 17(a) of the CFA-4 Summary Sheet. (IC 3-5-2-23(b))

Note: Money received by a committee as a contribution may not be used for primarily personal purposes by the political action committee or by any other person except as described above. (IC 3-9-3-4)

Prohibited Expenditures: It is unlawful for any person, other than a treasurer, to pay any of the expenses of any committee, except as provided by law. A political action committee or any person may not collect, receive, keep or disburse money or other things of value, for political purposes, unless a treasurer has been appointed **and unless such money or things so received, disbursed or expended have passed through the hands of the treasurer**. **(IC 3-9-4-16 (a)(3) and IC 3-9-4-17(a)(3))**

Money received by a political action committee as a contribution may be used only:

1. To defray any expenses reasonably related to the political action committee's continuing political activity;
2. To make an expenditure to any national, state, or local committee of any political party or a candidate's committee; or
3. Upon dissolution of a political action committee, in a manner permitted under IC 3-9-1-12.

Money received by a political action committee as a contribution may not be used for primarily personal purposes by the committee or by any other person except as described above. (IC 3-9-3-4) **A person who knowingly or intentionally violates IC 3-9-3-4 commits a Class A infraction and may be subject to a judgment of up to $10,000 or a civil penalty of up to $1,000 assessed by the Commission or the appropriate county election board.** (IC 3-14-1-16, IC 3-9-4-16 and IC 3-9-4-17)

Expenditure Codes

All campaign finance committees MUST enter an expenditure code for each itemized expenditure made by the committee. (IC 3-9-4-4) The committee must enter one of the four (4) codes listed below in the box at the upper left corner of the "Recipient's Name and Mailing Address" section on Schedule B of the CFA-4 form. The reverse side of the form contains instructions regarding these codes. The expenditure codes committees must use are as follows:

Code: C
Expenditure Type: Contributions

Expenditure Definition: Direct and in-kind contributions the campaign can legally make to other campaigns, political action committees, community and charitable organizations. In the description column, the filer is directed to specify who benefited and, if in-kind, what was purchased.

Code: F
Expenditure Type: Fundraising

Expenditure Definition: Expenditures, direct or in-kind, associated with holding a fundraiser, including payments to restaurants, hotels and caterers, other food and refreshment vendors, entertainers, and speakers.
**Filers are directed to use an "A" for expenditures for printed matter produced in connection with fundraising events.*

Code: A
Expenditure Type: Advertising

Expenditure Definition: Expenditures associated with the production, design, photography, copy, layout, printing, reproduction and purchase of advertising and campaign communications including:

- Radio and television advertising
- Advertising in newspapers, periodicals, and other publications
- Advertisements on billboards and yard signs
- Campaign paraphernalia such as buttons, bumper stickers, T-shirts, hats, etc.
- Websites
- Campaign literature
- Printed solicitations
- Fundraising letters
- Mailing lists

Code: O
Expenditure Type: Operations

Expenditure Definition: General campaign operating expenses and overhead including:

- Wages, salaries and benefits associated with hiring campaign employees and other paid workers who provide miscellaneous services
- Contracts, fees, and commissions paid to campaign management companies and contract consultants including law firms
- Headquarters purchase or rental
- Utilities
- Purchase or rental of office equipment and furniture for the campaign
- Surveys and Polls – Including expenditures associated with the design and production of polls, election trend reports, voter surveys, telemarketing, telephone banks, Get Out The Vote drives, etc.
- Postage – Including stamps, or metered postage, direct mail services and delivery services like United Parcel Services and Federal Express
- Travel – Including fares accommodations and meals from campaign

Penalty: A report without the required expenditure codes is considered a defective report. The committee may be subject to a possible civil penalty of $10 a day up to $100 plus any investigative costs if the defect is not timely corrected. *(See Chapter 10 for more information about the penalty for defective reports.)*

Debts

Debts (Loans): Debts (loans) include all money or things of value that must be repaid or returned. Debts include, but are not limited to, amount of monies or items borrowed, credit purchases, credit card accounts, or other unpaid debts.

Debts **owed by** a committee (Schedule D, CFA-4) are those items borrowed by the reporting committee from an individual, business, lending institution, credit card company or another committee.

Debts **owed to** a committee (Schedule E, CFA-4) are those items that the reporting committee has loaned to another committee or other entity with the requirement that the item or money be returned. (IC 3-9-5-14)

Credit Purchases: Credit cards, credit accounts, etc., must be listed on the Debts Owed By the Committee, CFA-4 Schedule D, to the extent that there is still an outstanding balance (amount still owing). However, any payment made to pay off a credit purchase is considered an expenditure and the vendor or individual must be itemized as such.

Investments: Money received as a contribution may be invested by a committee in an account with a financial institution, savings and loan association, or credit union, or in any equity account. Any loss resulting from an investment may be reported as a committee expenditure. Any gain resulting from an investment must be reported as income.

Facsimile Filing of Campaign Finance Reports

The Election Division or county election board is not required to accept a campaign finance report sent by facsimile transmission unless the Indiana Election Commission or county election board has approved a policy permitting a campaign finance report or statement to be submitted by facsimile transmission. The Commission has approved the filing of reports or statements by FAX with the Election Division. (IC 3-9-5-7) Check with the appropriate county election board for more information regarding this policy.

Electronic Filing of Campaign Finance Reports

The Indiana Election Division is now required to provide for the electronic submission, retrieval, storage, and disclosure of campaign finance reports filed with the Election Division. (IC 3-9-4-4)

A campaign finance committee may now submit campaign finance reports electronically to the Election Division using software supplied by the division. For further information regarding electronic filing, committees may contact the Election Division at (800) 622-4941 or at the e-mail address campaignfinance@iec.state.in.us.

Internet Publishing of Campaign Finance Reports

The Indiana Election Division now has a Campaign Finance Database that makes the information contained in the campaign finance reports filed with the Division available in a searchable, digital form on the Internet.

All reports filed with the Division are published on the Election Division's Internet homepage:

www.in.gov/sos/elections and www.indianacampaignfinance.com

The Election Division strives to ensure that all entries on this homepage concerning a committee's campaign finance reports are accurate and complete. However, due to large volumes of data entry and short deadlines for publishing reports before elections, some errors can be expected to occur. If you discover an error or have a question regarding the Internet publication of a report, please contact the Election Division as soon as possible. We will work to resolve any problem quickly and efficiently.

Audits & Inquiries

The Election Division campaign finance staff or the county election board may contact your committee advising that a report or statement of organization is delinquent or defective, asking for clarification of a report or statement, or requesting information promptly.

Defective & Delinquent Reports

The Election Division and each county election board shall:

1. Ascertain whether the political action committee or other persons have failed to file statements of organization or reports or have filed defective statements of organizations or defective reports.

2. Give notice to **delinquents** to file a statement of organization or a report immediately upon receipt of notice.

3. Give notice to a committee filing a **defective** report to file a report to correct the defective report no later than noon 5 calendar days after receiving the notice.

4. Make available for public inspection a list of delinquent reports and persons who fail to file the required supplemental statement and reports. The Election Division and each county election board shall post a list of delinquents in a public place at or near the entrance of the Commission's or board's respective offices. (IC 3-9-4-14 (2)(a))

A person who fails to file a required statement or report is subject to a civil penalty of up to $1,000 to be assessed by the Commission, county election board, or both, for the delinquent report. The penalty is $50 per day with the afternoon of the deadline day counting as the first day. The Commission or county election may add investigative costs to the penalty. (IC 3-9-4-16(c) & IC 3-9-4-17(c))

A person who fails to file a correction to the defective report after being notified to do so is subject to a civil penalty up to $100 to be assessed by the Commission, county election board, or both. The penalty is $10 per day, with the afternoon of the fifth day after receipt of the notice counting as the first day. The Commission or county election board may add investigative costs to the penalty. (IC 3-9-4-16(b) & IC 3-9-4-17(b))

A person who fails to file a report required by the Campaign Finance Act with the appropriate office commits a Class B misdemeanor and is subject to a $1,000 fine, 180 days imprisonment, or both. (IC 3-14-1-14)

A person who knowingly files a fraudulent report commits a Class D felony and is subject to a $10,000 fine, three years imprisonment, or both. (IC 3-14-1-13)

Disbanding a Political Action Committee

A political action committee may disband at any time by giving written notification and filing a final report (CFA-4 form) with the Election Division or appropriate county election board.

Be certain to check the box on this form indicating that the PAC is disbanding. Otherwise, the committee will remain open and the political action committee will be required to file an annual report the third Wednesday of each January that the committee remains open.

If there are surplus funds, the committee may transfer the funds before disbanding to one or any combination of the following:

1. one or more regular party committees,
2. one or more candidate's committees,
3. the Election Division,
4. an organization exempt from federal income taxation under Section 501 of the Internal Revenue Code,
5. contributors to the committee (on a pro rata basis). (IC 3-9-1-12)

The funds may also be used to make an expenditure to any political party committee or a candidate's committee. (IC 3-9-3-4)

A dissolution and transfer of funds does not relieve the committee or its members from civil or criminal liability. (IC 3-9-3-4)

Chapter 5: Regular Party Committee

Regular Party Committee: A central committee or a national committee of a political party. A regular party committee includes a state committee, congressional district committee, county committee, city committee or town committee of a political party. It is the official organization for a party. (IC 3-5-2-42 and IC 3-5-2-8) Other committees affiliated with a political party may be classified as an "auxiliary party organization." (IC 3-5-2-2.5) or a political action committee *(See Chapter 9 for more information.)*

Organizing a Regular Party Committee

Every regular party committee must have a chairperson and a treasurer. No expenditures may be made or contributions accepted for or on behalf of a regular party committee without the authorization of its chairperson or treasurer. Within ten (10) days after it becomes a campaign finance committee, the committee must file a statement of organization (CFA-3 form). (IC 3-9-1-3)

The **chairperson** is the elected or appointed head or presiding officer of the regular party committee. Every regular party committee must have a chairperson.

A **treasurer** of a regular party committee:
1. Must be a United States citizen;
2. May not be the chairman of a committee (IC 3-9-1-13);
3. Must be appointed treasurer in writing as required by IC 3-9-1-14; and
4. Must file the written instrument of appointment as required by IC 3-9-1-15.

A treasurer of a regular party committee may be the treasurer of another committee unless the treasurer is also a candidate. (IC 3-9-1-18)

The chairman of a regular party committee shall appoint or designate the treasurer of the committee in a written instrument. (This is included on the CFA-3 form.) (IC 3-9-1-14)

Forms to File

CFA-3 Regular Party Committee Statement of Organization

Regular party committees must file a statement of organization (CFA-3 form) when organizing a committee to disclose the committee's organization. This form must be signed by the chairperson and treasurer. (IC 3-9-1-3 and IC 3-9-1-4)

The regular party committee must file a CFA-3 form no later than ten (10) days after the committee becomes a regular party committee. Both the chairperson and the treasurer must sign this form.

Amending the CFA-3 Form: When changes occur in the CFA-3 form, such as a new chairperson, treasurer, mailing address, change of committee name, etc., an amended CFA-3 form must be filed no later than ten (10) days after the change. Check the box on the CFA-3 form to indicate an amendment. (IC 3-9-1-10)

NOTE: When filing an amendment, ONLY complete the line or lines where a change has been made. The chairperson must sign the amendment.

CFA-4 Receipts and Expenditures Report of a Political Committee

Generally speaking, a treasurer of a regular party committee must file **three** receipts and expenditures reports (pre-primary, pre-election, and annual) for every calendar year.

Pre-Primary Report: The financial report of a regular party committee that covers the period beginning January 1 of the reporting year, (or the organizational date of the committee if after January 1), and ending 25 days before the primary election. This report must be filed with the Election Division or appropriate county election board by **noon** 7 days after the date of the report. Reports transmitted by electronic mail must be filed with the Election Division or county election board by **noon** 7 days after the date of the report. (IC 3-9-5-6 and IC 3-9-5-7)

Pre-Election Report: The financial report of a regular party committee that covers the period beginning 24 days before the primary election and ending 25 days before the general election. This report must be filed with the Election Division or appropriate county election board by **noon** 7 days after the date of the report. Reports transmitted by electronic mail must be filed with the Election Division or county election board by **noon** 7 days after the date of the report. (IC 3-9-5-6 and IC 3-9-5-7)

Annual Report: The financial report of a regular party committee that covers the period beginning 24 days before the general election and ending December 31 of that year. This report must be filed with the Election Division or appropriate county election board by **noon** on March 1. Reports transmitted by electronic mail must be filed with the Election Division or county election board by **noon** on March 1. (IC 3-9-5-10)

Outgoing Treasurer's Report: If a treasurer is removed, resigns or otherwise vacates the position of treasurer of a regular party committee, the outgoing treasurer must file a report no later than 30 days after the vacancy occurs. This report must cover the period from the most recent report up to the last day the individual was treasurer. This report is filed in the usual manner and in the same location as the other reports. (IC 3-9-5-12) The purpose of the outgoing treasurer's report is to enable the new treasurer to assume office with up-to-date records. Candidates for state legislative office must file these reports with both the Election Division and the county election board in the county in which the candidate resides.

Final/Disbanding Report: No later than **noon** 30 days after a regular party committee disbands, the last person to be treasurer must file a financial report complete as of the last day the regular party committee existed, covering the period since the most recent report. See the explanation of "Disbanding a Regular Party Committee" under this Chapter of the Manual for more information. (IC 3-9-5-11)

Contributions

A **contribution** is any donation accepted by a regular party committee governed by Indiana's election laws. A "contribution" includes cash, checks, gifts of property or services, in-kind contributions, or any other things received by the committee that have value. Contributions may be made by an individual, business, profit or non-profit corporation, trade association, labor organization, regular party committee, candidate's committee, or any other type of organization. (IC 3-5-2-15)

A contribution is considered to be received and accepted by a committee when any member of the committee:
(1) has physical possession of the contribution; and
(2) manifests an intent to keep the contribution by depositing the contribution, subject to IC 3-9-5-14(c). (IC 3-9-1-25)

A person makes a contribution during the calendar year in which the person relinquishes control over the contribution by:
(1) depositing the contribution in the United States mail; or
(2) transferring the contribution to any other person who has been directed to convey the contribution to the person intended to be the recipient of the contribution. (IC 3-9-1-25.5)

Returning or Refunding Contributions: On occasion, a committee may decide not to accept all or part of a contribution. This may occur because the contributor is prohibited under state law from making any contribution (a foreign national, for example), or because the contributor has made a contribution that exceeds the total amount allowed in that calendar year (a corporation or labor union, for example). A committee may also decide not to accept all or part of a contribution for purely political reasons.

If a committee has not "received and accepted" the contribution by depositing the contribution in an account, or otherwise using this money (see IC 3-9-1-25), then the committee may **simply return** the contribution to the contributor. In this case, the committee is **not** required to report that the contribution was received or returned or to otherwise refer to this contribution on the committee's report.

If the committee has received and accepted the contribution by depositing the contribution in an account, or otherwise using this money (see IC 3-9-1-25), then the committee **must refund** the contribution (typically by sending a check in that amount to the contributor). The committee must both report the contribution on the appropriate contributor schedule (CFA-4 Schedule A-1, for example), and must report the refund of the contribution on CFA-4 Schedule B.

In-Kind Contribution: In-kind contributions are generally those contributions of things or services (such as posters, billboards, use of automobile, free lodging or any other types of property or services), that are paid for by another person or entity and then given to the committee or distributed by another for the benefit of the reporting committee. An in-kind contribution **does not** include a donation of cash, checks, or promissory notes. (IC 3-5-2-15)

Example: A private individual, or a committee printed and distributed 1,000 posters using the reporting regular party committee's name, with the regular party committee's approval. The posters would be an in-kind contribution to the regular party committee. If the posters have a fair market value of $250, this amount should be listed on Schedule A **and also** on Schedule B of the CFA-4 form. The reason for the double entry of the value of an in-kind contribution (on the contribution schedule and the expenditure schedule of the CFA-4) is that the receipt by a committee of a non-cash item (posters, lodging, transportation, etc.) is considered the same as receiving the value of the goods or services in money and then spending that money to obtain the goods or services. In-kind contributions are itemized generally under the same guidelines as itemized contributions, except when between campaign finance committees. (In that situation, the contribution would be considered a "Transfer-In.")

Transfer-In: When a regular party committee receives money or things of value from another campaign finance committee (which would otherwise be considered a contribution from a candidate's, political action or regular party committee) the exchange is designated as a transfer-in. The receiving regular party committee is required to **itemize** each transfer-in from a particular campaign finance committee **regardless of the amount** during any reporting period and also report the cumulative (aggregate) amount received during the calendar year. Transfers-in must be itemized on Schedule A-4 (PACS) or A-5 (other organizations) of the CFA-4. The total of all transfers-in per reporting period must be entered in Column A line 15(a) of the CFA-4 Summary Sheet. (IC 3-5-2-15)

Itemized Contribution: Itemized contributions are those contributions received by a regular party committee from a contributor whose individual contributions or cumulative (aggregate) contributions exceed $200 during any calendar year or reporting period. Thus, if a donor makes one contribution over $200 for a year, then the name and address of the donor and the amounts and dates of this and each subsequent contribution must be itemized (listed) on Schedule A of the CFA-4 form. The total of all itemized contributions per reporting period must be entered in column A on line 15(a) of the CFA-4 Summary Sheet. It is not necessary to amend previously filed reports to itemize contributions of less than $200 given during the year **before** the individual crossed the threshold for itemization. (IC 3-9-5-14)

Contributions from Joint Accounts: If a committee receives an itemized contribution from an account held by more than one person (the most common example being a husband and wife whose names are both on a checking account), the contribution should be listed on the CFA-4 schedules as having been made by the person who signed the check. If the check is signed by both persons, or the check is accompanied by a written statement specifying that each person is a contributor and the amount of the contribution to be attributed to each, then the contribution should be listed on the CFA-4 schedules accordingly. If it is impossible to assign a contribution to one individual using these rules then let both individual be the contributor.

Unitemized Contribution: Unitemized contributions are those contributions received by a regular party committee from contributors whose total contributions for a calendar year do not exceed $200. Thus, if a donor makes one contribution per year of under $200 or several contributions whose total is less than $200 for the year, than the total the donor gave is not itemized but must be totaled with all other similar unitemized contributions. The total of all unitemized contributions per reporting period must be entered in Column A on line 15(b) of the CFA-4 Summary Sheet. (IC 3-9-5-14).

Note: If during the calendar year the cumulative contributions from any individual total $200.01 or more to the regular party committee, then this individual must be identified on the appropriate Schedule A of the CFA-4 Report.

Example: Mr. Smith gives $10 to the Sixth District Federalist Party Central Committee in March, $201 in June and another $10 in September. The June and September contributions must be itemized on the October report. The April report does not need to be amended to itemize the March contribution.

Limitations on Contributions: The most significant limitations on contributions contained in the Campaign Finance Act apply to corporations, labor organizations, state legislative candidates, certain judges and certain state employees.

A. **State Legislative Candidates:** A candidate for a state legislative office (whether an incumbent state legislator or not) and the candidate's committee may not solicit or accept campaign contributions or conduct other fundraising activity during the "long session" (odd-numbered years). The "long session" begins for the purpose of the prohibition, when the General Assembly reconvenes in January. This prohibition ends when the General Assembly adjourns sine die in odd-numbered years.

   This prohibition **does not** apply in legislative candidates participating in regular party committee activities. This prohibition **does not** apply to even-numbered years (such as 2004, for example), although legislative caucus committees may have adopted rules restricting activity by the committee or its members. Contact the respective caucus for information on this point. (IC 3-9-2-12)

B. **Judicial Candidates:** Candidates for election to (or retention in) judicial office are governed by *The Code of Judicial Conduct*, which restricts political activity including the acceptance of contributions, by their candidates. Contact State Court Administration at 317/232-2543 for more information regarding these restrictions.

C. **Allen County Superior Court Judge Candidates:** A special statute (IC 33-5-5.1-29.5) limits the amount of contributions that may be accepted by candidates for this office to a total of $10,000 from all sources, and prohibits contributions from political parties and political action committees to their candidates.

D. **Lake County Superior Court Judge Candidates:** A special statute which only applies to Lake County superior court judges (IC 33-5-29.5-43(c)) provides that a political party shall not directly or indirectly campaign for or against a judge who is subject to a retention vote under chapter 29.5.

E. **State Employees:** Although most state employees have the right to make contributions to candidates and participate fully in the political process (IC 4-15-10-2), some employees may not solicit or receive contributions. Refer to the statutes listed below for detailed information. (IC 3-9-2-13)

IC 4-23-7-3.5 Indiana Library & Historical Department
IC 4-23-7.1-38 Indiana State Library
IC 4-23-7.2-17 Indiana Historical Bureau
IC 8-23-2-3 Indiana Department of Transportation
IC 14-9-7-1,14-10-3-10 Department of Natural Resources

(See Chapter 6 regarding Corporations and Labor Organizations for further information on contribution limitations.)

Prohibited Contributions: No contribution may be lawfully made unless it is made to a regular party committee or to a person authorized by law to accept contributions.

All funds of a regular party committee that accepts contributions or makes expenditures in an aggregate amount of more than two hundred dollars ($200) in a year must be segregated from and not commingled with any personal funds of officer, members, or associates of the committee. (IC 3-9-2-9)

Other prohibitions in state law apply to foreign nationals and individuals and other entities involved in the regulated gaming industries. *(See Chapter 8 for detailed information.)*

Expenditures

An **expenditure** is any payment, transfer or disbursements of money or things of value to another for political purposes. All expenditures made by a regular party committee must be reported on the Report of Receipts and Expenditures of a Political Committee (CFA-4) for the period in which the expenditure was made. (IC 3-5-2-23)

Itemized Expenditure: Expenditures made by a regular party committee to an individual, business, group or others when the total (aggregate or cumulative) of the individual payments exceed $200 during any calendar year or reporting period must be itemized. **Example:** If a committee makes a payment that totals more than $200 for the year, then the individual receiving the payment from the committee must by itemized (listed) on Schedule B of the CFA-4. The total of all itemized expenditures per reporting period must be entered in Column A on line 17(a) of the CFA-4 Summary Sheet. (IC 3-9-5-14)

Unitemized Expenditure: Expenditures made by a regular party committee to an individual, business, group or others, the total of which does not exceed $200 during any calendar year may be reported as unitemized expenditures. The total of all unitemized expenditures per reporting period must be entered on line 17b of the Summary Sheet on the CFA-4. (IC 3-9-5-14)

Transfer-Out: When a regular party committee transfers money or things of value to another campaign finance committee (otherwise considered an expenditure by a campaign finance committee) the committee reports this as a "transfer-out." The regular party committee transferring money or things of value to another campaign finance committee must itemize each transfer to a particular campaign finance committee **regardless of amount**. The receiving committee must also disclose the (aggregate or cumulative) amount transferred to that campaign finance committee during the calendar year. Transfers-out must be itemized on Schedule B of the CFA-4. The total of all transfers-out per reporting period must be entered in Column A line 17(a) of the CFA-4 Summary Sheet. (IC 3-5-2-23(b))

Note: Money received by a regular party committee as a contribution may not be used for primarily personal purposes by the committee or by any other person except as described above. (IC 3-9-3-4)

Prohibited Expenditures: It is unlawful for any person, other than a treasurer, to pay any of the expenses of any committee, except as provided by law. A regular party committee or any person may not collect, receive, keep or disburse money or other things of value, for political purposes, unless a treasurer has been appointed **and unless such money or things so received, disbursed or expended have passed through the hands of the treasurer**. **(IC 3-9-4-16 (a)(3) and IC 3-9-4-17(a)(3))**

Money received by a regular party committee as a contribution may be used only:

1. To defray any expenses reasonably related to the regular party committee's continuing political activity;
2. To make an expenditure to any national, state, or local committee of any political party or a candidate's committee; or
3. Upon dissolution of a regular party committee, in a manner permitted under IC 3-9-1-12.

Money received by a regular party committee as a contribution may not be used for primarily personal purposes by the committee or by any other person except as described above. (IC 3-9-3-4) **A person who knowingly or intentionally violates IC 3-9-3-4 commits a Class A infraction and may be subject to a judgment of up to $10,000 or a civil penalty of up to $1000 assessed by the Commission or the appropriate county election board.** (IC 3-14-1-16, IC 3-9-4-16 and IC 3-9-4-17)

Expenditure Codes

All campaign finance committees MUST enter an expenditure code for each itemized expenditure made by the committee. (IC 3-9-4-4) The committee must enter one of the four (4) codes listed below in the box at the upper left corner of the "Recipient's Name and Mailing Address" section on Schedule B of the CFA-4 form. The reverse side of the form contains instructions regarding these codes. The expenditure codes committees must use are as follows:

Code: C
Expenditure Type: Contributions

Expenditure Definition: Direct and in-kind contributions the campaign can legally make to other campaigns, political action committees, community and charitable organizations. In the description column, the filer is directed to specify who benefited and, if in-kind, what was purchased.

Code: **F**
Expenditure Type: **Fundraising**

Expenditure Definition: Expenditures, direct or in-kind, associated with holding a fundraiser, including payments to restaurants, hotels and caterers, other food and refreshment vendors, entertainers, and speakers.
**Filers are directed to use an "A" for expenditures for printed matter produced in connection with fundraising events.*

Code: **A**
Expenditure Type: **Advertising**

Expenditure Definition: Expenditures associated with the production, design, photography, copy, layout, printing, reproduction and purchase of advertising and campaign communications including:

- Radio and television advertising
- Advertising in newspapers, periodicals, and other publications
- Advertisements on billboards and yard signs
- Campaign paraphernalia such as buttons, bumper stickers, T-shirts, hats, etc.
- Websites
- Campaign literature
- Printed solicitations
- Fundraising letters
- Mailing lists

Code: **O**
Expenditure Type: **Operations**

Expenditure Definition: General campaign operating expenses and overhead including:

- Wages, salaries and benefits associated with hiring campaign employees and other paid workers who provide miscellaneous services
- Contracts, fees, and commissions paid to campaign management companies and contract consultants including law firms
- Headquarters purchase or rental
- Utilities
- Purchase or rental of office equipment and furniture for the campaign
- Surveys and Polls – Including expenditures associated with the design and production of polls, election trend reports, voter surveys, telemarketing, telephone banks, Get Out The Vote drives, etc.
- Postage – Including stamps, or metered postage, direct mail services and delivery services like United Parcel Services and Federal Express
- Travel – Including fares accommodations and meals from campaign

Penalty: A report without the required expenditure codes is considered a defective report. The committee may be subject to a possible civil penalty of $10 a day up to $100 plus any investigative costs if the defect is not timely corrected. *(See Chapter 10 for more information about the penalty for defective reports.)*

Debts

Debts (Loans): Debts (loans) include all money or things of value that must be repaid or returned. Debts include, but are not limited to, amount of monies or items borrowed, credit purchases, credit card accounts, or other unpaid debts.

Debts **owed by** a committee (Schedule D, CFA-4) are those items borrowed by the reporting committee from an individual, business, lending institution, credit card company or another committee.

Debts **owed to** a committee (Schedule E, CFA-4) are those items that the reporting committee has loaned to another committee or other entity with the requirement that the item or money be returned. (IC 3-9-5-14)

Credit Purchases: Credit cards, credit accounts, etc., must be listed on the Debts Owed By the Committee, CFA-4 Schedule D, to the extent that there is still an outstanding balance (amount still owing). However, any payment made to pay off a credit purchase is considered an expenditure and the vendor or individual must be itemized as such.

Investments: Money received as a contribution may be invested by a committee in an account with a financial institution, savings and loan association, or credit union, or in any equity account. Any loss resulting from an investment may be reported as a committee expenditure. Any gain resulting from an investment must be reported as income.

Facsimile Filing of Campaign Finance Reports

The Election Division or county election board is not required to accept a campaign finance report sent by facsimile transmission unless the Indiana Election Commission or county election board has approved a policy permitting a campaign finance report or statement to be submitted by facsimile transmission. The Commission has approved the filing of reports or statements by FAX with the Election Division. (IC 3-9-5-7) Check with the appropriate county election board for more information regarding this policy.

Electronic Filing of Campaign Finance Reports

The Indiana Election Division is required to provide for the electronic submission, retrieval, storage, and disclosure of campaign finance reports filed with the Election Division. (IC 3-9-4-4)

A campaign finance committee may now submit campaign finance reports electronically to the Election Division using software supplied by the division. For further information regarding electronic filing, committees may contact the Election Division at (800) 622-4941 or at the e-mail address campaignfinance@iec.state.in.us.

Internet Publishing of Campaign Finance Reports

The Indiana Election Division now has a Campaign Finance Database that makes the information contained in the campaign finance reports filed with the Division available in a searchable, digital form on the Internet.

All reports filed with the Division are published on the Election Division's Internet homepage:

www.in.gov/sos/elections and www.indianacampaignfinance.com

The Election Division strives to ensure that all entries on this homepage concerning a committee's campaign finance reports are accurate and complete. However, due to large volumes of data entry and short deadlines for publishing reports before elections, some errors can be expected to occur. If you discover an error or have a question regarding the Internet publication of a report, please contact the Election Division as soon as possible. We will work to resolve any problem quickly and efficiently.

Audits & Inquiries

The Election Division campaign finance staff or the county election board may contact your committee advising that a report or statement of organization is delinquent or defective, asking for clarification of a report or statement, or requesting information promptly.

Defective & Delinquent Reports

The Election Division and each county election board shall:

1. Ascertain whether the regular party committee or other persons have failed to file statements of organization or reports or have filed defective statements of organizations or defective reports.

2. Give notice to **delinquents** to file a statement of organization or a report immediately upon receipt of notice.

3. Give notice to a committee filing a **defective** report to file a report to correct the defective report no later than noon 5 calendar days after receiving the notice.

4. Make available for public inspection a list of delinquent reports and persons who fail to file the required supplemental statement and reports. The Election Division and each county election board shall post a list of delinquents in a public place at or near the entrance of the Commission's or board's respective offices. (IC 3-9-4-14 (2)(a))

A person who fails to file a required statement or report is subject to a civil penalty of up to $1,000 to be assessed by the Commission, county election board, or both, for the delinquent report. The penalty is $50 per day with the afternoon of the deadline day counting as the first day. The Commission or county election board may add investigative costs to the penalty. (IC 3-9-4-16(c) & IC 3-9-4-17(c))

A person who fails to file a correction to the defective report after being notified to do so is subject to a civil penalty up to $100 to be assessed by the Commission, county election board, or both. The penalty is $10 per day, with the afternoon of the fifth day after receipt of the notice counting as the first day. The Commission or county election board may add investigative costs to the penalty. (IC 3-9-4-16(b) & IC 3-9-4-17(b))

State legislative candidates or committees who violate the prohibition against fundraising during a "long session" are also subject to a civil penalty to be assessed by the Commission. This penalty is equal to the greater of $1,000 or two times the amount of the contribution received. (IC 3-9-4-16 and IC 3-9-4-17)

A person who fails to file a report required by the Campaign Finance Act with the appropriate office commits a Class B misdemeanor and is subject to a $1,000 fine, 180 days imprisonment, or both. (IC 3-14-1-14)

A person who knowingly files a fraudulent report commits a Class D felony and is subject to a $10,000 fine, three years imprisonment, or both. (IC 3-14-1-13)

Disbanding a Regular Party Committee

A regular party committee may disband at any time by giving written notification and filing a final report (CFA-4 form) with the Election Division or appropriate county election board.

Be sure to check the box on the form indicating that the committee is disbanding. Otherwise, the committee will remain open and the regular party committee will be required to file an annual report on March 1of each year that the committee remains open.

If there are surplus funds, the committee may transfer the funds before disbanding to one or any combination of the following:

1. one or more regular party committees,
2. one or more candidate's committees,
3. the Election Division,
4. an organization exempt from federal income taxation under Section 501 of the Internal Revenue Code,
5. contributors to the committee (on a pro rata basis). (IC 3-9-1-12)

The funds may also be used to make an expenditure to any political party committee or a candidate's committee. (IC 3-9-3-4)

A dissolution and transfer of funds does not relieve the committee or its members from civil or criminal liability. (IC 3-9-3-4)

Chapter 6: Corporations and Labor Organizations

Corporation and Labor Organization Contributions

Subject to the restrictions discussed in this chapter, **corporations** and **labor organizations** may make a contribution to aid in the:

1. Election or defeat of a candidate;
2. The success or defeat of:
   a. A political party; or
   b. A public question submitted to a vote in an election. (IC 3-9-2-3)

Corporations and **labor organizations** are not required to file campaign finance forms with the Indiana Election Division or any county election boards.

What is a Corporation?

A corporation is an entity required under Title 23 of the Indiana Code to file articles of incorporation with the Corporations Division of the Secretary of State of Indiana (or an entity which files articles of incorporation in another state, which may or may not file a certificate of authorization to do business as a "foreign corporation" with the Corporations Division of the Secretary of State of Indiana.)

A "corporation" does **not** include other types of business entities, such as a limited liability company, a limited partnership, a partnership, a sole proprietorship, an unincorporated association, and similar entities. *(See Chapter 7 for more information about these organizations.)*

Although narrowly applicable state laws limit or prohibit contributions by certain corporations *(See Chapter 8)*, generally speaking, any corporation may make a contribution subject to the limitations discussed in this chapter.

In general, if a corporation owns all or part of another corporation, this ownership interest does not affect the ability of the subsidiary or partially controlled corporation to make contributions, subject to the limits imposed under this chapter.

EXAMPLE: Big John Doe Corporation owns 100% of Little Doe, Inc. Big John Doe Co. and Little Doe, Inc. may each make an aggregate of $22,000 in contributions, subject to the subcategory limits under IC 3-9-2-4. The result does not change if Big John Doe Corporation owns 51% or only 1% of Little Doe, Inc.

In discussing contributions by corporations, it is also important to distinguish between a corporation and the corporation's political action committee.

The contribution limits that apply to contributions by the corporation do not apply to the corporation's political action committee. For this reason, it is **critically important** for the entity making the contribution to inform the treasurer of any committee receiving a contribution **whether the contribution is from the corporation or the corporation's PAC.** In many cases, the name of the entity as printed on a check may not provide enough information by itself to prevent confusion on this point.

Subchapter S corporations are considered the same as other corporations for campaign finance purposes. Subchapter S status has no effect on the corporation's ability to make limited contributions under the Campaign Finance Act.

Professional corporations are considered the same as other corporations for campaign finance purposes.

If a political action committee chooses to become incorporated, the committee is subject to the same restrictions applicable to other corporations under the Campaign Finance Act.

To determine if an entity has registered as a corporation in Indiana, contact the Business Services Information Line at 317.232.6575.

Nonprofit Corporations

Under Indiana law, nonprofit corporations are subject to the same limitations concerning contributions as business corporations. Questions regarding the tax exempt status of a nonprofit corporation which makes a political contribution are determined by the Internal Revenue Service, not the Election Commission, the Election Division or county election board. Contact the Internal Revenue Service at 317-377-0001 for additional information.

What is a Labor Organization?

In discussing contributions by labor organizations, it is important to distinguish between a labor organization (commonly called a labor union) and the union's political action committee.

The contribution limits that apply to contributions by the union do not apply to the union's political action committee. For this reason, it is **critically important** for the entity making the contribution to inform the treasurer of any committee receiving a contribution **whether the contribution is from the labor union or the labor union's PAC.** In many cases, the name of the entity as printed on a check may not provide enough information by itself to prevent confusion on this point.

Corporate and Labor Contribution Limitations

Although **corporations and labor organizations** are permitted to make direct contributions to candidate committees, regular party committees, legislative caucus committees and political action committees, they must comply with the maximum amounts for contributions (set forth below). A corporation or labor organization may not exceed these total contributions during any calendar year. (IC 3-9-2-4)

Contribution Limitations
For Corporations & Labor Organizations

- ✓ $5,000 ~ apportioned in any manner among all **statewide candidates** (not legislative, but including a judge of the court of appeals whose retention in office is voted on by a district that does not include all of Indiana); *NOTE*: *This subcategory does not apply to state legislative candidates.*

- ✓ $5,000 ~ apportioned in any manner among all **state central committees** of political parties;

- ✓ $2,000 ~ apportioned in any manner among all candidates for **state senate;**

- ✓ $2,000 ~ apportioned in any manner among all candidates for **state house of representatives;**

- ✓ $2,000 ~ apportioned in any manner among all **state senate legislative caucuses;**

- ✓ $2,000 ~ apportioned in any manner among all **state house of representative legislative caucuses;**

- ✓ $2,000 ~ apportioned in any manner among all **candidates for district, county, local and school board offices**; and

- ✓ $2,000 ~ apportioned in any manner among all **political party committees** other than state central committees.

Direct **corporation** and **labor organization** contributions to political action committees must be **"earmarked",** meaning designated by the corporation or labor organization to go to one or more of the above categories and are subject to the limitations of each category. (IC 3-9-2-5)

However, a corporation or labor organization is not required, to designate a *specific* candidate or party when making its contribution. The reference to "specific" in IC 3-9-2-5(c) refers to a specific **subcategory** listed in IC 3-9-2-4.

EXAMPLE: Widget Corporation wishes to make a $5,000 contribution to the Little Committee for Good Government, a political action committee. In making the contribution, Widget Corporation must designate which subcategory limit (or combination of subcategories) this contribution is to be credited towards.

Widget Corporation designates $2,000 of the contribution towards its state party committee subcategory limit, $2,000 of the contribution towards its statewide candidate limit, and $1,000 towards its state house legislative caucus limit, all in compliance with IC 3-9-2-4.

Widget Corporation is **not** required to designate these contributions for disbursement by Little Committee for Good Government PAC **specifically** to the Federalist Party State Committee; John Adams, the Federalist Party candidate for Attorney General; or to the Nationalist Party Legislative Caucus of the Indiana House of Representatives.

A corporation or labor organization may contribute a total of **$22,000** per calendar year to campaign finance committees, including contributions made to a political action committee sponsored by the corporation or labor organization. (IC 3-9-2-5) No other contributions from a corporation or labor organization to a campaign finance committee are authorized by statute. (IC 3-9-2-3(b))

Where the Limitations Do Not Apply

The limitations **do not** apply to nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and employees. The limitations also do not apply to a labor organization's nonpartisan registration and get-out-the-vote campaigns that are aimed at its membership.

The limitations **do not** apply to a contribution or transfers by an incorporated nonpartisan political action committee to any other committee. It also does not apply when the contribution is supporting or opposing the approval of a public question submitted to the electorate of the entire state or a local public question. (IC 3-9-2-6)

Sponsoring a Political Action Committee

A corporation or labor organization may establish and control a political action committee and pay the administrative costs of that committee. The donations of these administrative costs **are not** considered contributions. (IC 3-9-2-5(b))

Administrative costs include items such as rent, office expenses, management fees, and the cost of solicitations of contributions, etc. (IC 3-5-2-15(e))

Fining Procedures for Corporations And Labor Organizations

Civil Penalties

A corporation or labor organization that exceeds the maximum contributions permitted under the Campaign Finance Act is subject to a civil penalty. The maximum amount of the civil penalty is three times the amount the contribution exceeds the limits prescribed by IC 3-9-2-4. All the investigative costs incurred and documented by the Election Division or a county election board may be added to the total. (IC 3-9-4-16(e) and IC 3-9-4-17(e))

EXAMPLE: If a corporation or a labor union gave a total of $3,000 in contributions to candidates for the Indiana House of Representatives, the total excess amount of contributions is $1,000. The Commission or county election board can impose a penalty of up to $3,000 (3 x $1,000). If the administrative costs were $15, the total fine for this corporation or labor organization can be up to $3,015.

Criminal Penalties

A corporation or labor union that recklessly exceeds the contribution limits under IC 3-9-2-4 commits a Class B misdemeanor. (IC 3-14-1-10)

Chapter 7: Auxiliary Party Organizations, Individuals and Partnerships

Auxiliary Party Organizations

This class of political party committee is exempt from the organizational and reporting requirements of the Campaign Finance Act. This category includes many township political clubs, women's auxiliaries, college groups and similar organizations. To qualify, an organization must meet all of the following standards:

Any organization affiliated with a political party and is located within or outside Indiana that:

1. Proposes to influence the election of a candidate for state, state legislative, local office, or school board, or the outcome of a public question; and
2. Has either had an annual budget of less than $5,000 in at least one of the last two years; or
3. Has NOT made a contribution of more than $1,000 to another committee or candidate. (IC 3-5-2-2.5)

If an organization meets these standards, the organization is **not** required to file campaign finance forms or reports. If the organization has previously filed reports, it should notify the Election Division or appropriate county election board before noon the third Wednesday of January of each year that it is claiming the exemption under IC 3-9-4-1 and IC 3-9-5-1. (IC 3-5-2-2.5)

Even though auxiliary party organizations may not be required to file campaign finance reports, all **auxiliary party organizations** must include a **"disclaimer"** on all literature and advertisements that is circulated or is published in support of or in opposition to a candidate or public question. *(See Chapter 9: General Committee Information for more information on "Disclaimers.")*

The treasurer of an auxiliary party organization that accepts contributions or makes expenditures exceeding $200 in a year must keep organization funds in a separate account. Money received by an auxiliary party committee may not be used for primarily personal purposes. (IC 3-9-2-1, IC 3-9-2-9, IC 3-9-2-10, IC 3-9-3-2.5 and IC 3-9-3-4)

Individuals

Under Indiana law, individuals may make an unlimited amount of contributions to candidates, political parties, and other campaign finance committees during each calendar year.

Some restrictions regarding contributions by individuals apply to federal candidates. Contact the Federal Election Commission at *www.fec.gov* or at 800-424-9530, extension 1, for additional information.

Partnerships, Limited Liability Companies, and other Business Entities

Under Indiana law, business organizations **(other than corporations - *See Chapter 6 of this Manual*)** may make an unlimited amount of contributions to candidates, political parties, and other campaign finance committees during each calendar year. A partnership, limited liability company, limited partnership, sole proprietorship, a trustee or receiver of an unincorporated entity, or an unincorporated firm are **not** subject to the limits on corporate contributions prescribed under IC 3-9-2-4.

Not-for-Profit Entities

Under Indiana law, not-for-profit organizations **(other than nonprofit corporations or labor unions - *See Chapter 6 of this Manual*)** may make an unlimited amount of contributions to candidates, political parties, and other campaign finance committees during each calendar year. Any unincorporated association such as a club, religious organization, partnership, limited liability company, limited partnership, sole proprietorship, or unincorporated firm is **not** subject to the limits on corporate contributions prescribed under IC 3-9-2-4.

The tax exempt status of an entity which makes a political contribution is determined by the Internal Revenue Service, not the Election Commission, the Election Division, or a county election board. Contact the Internal Revenue Service at 317-377-0001 if there are questions concerning the effect of a contribution by a not-for-profit entity or the entity's tax exempt status, or for additional information.

Chapter 8: Prohibited Contributors

Although some organizations are subject to contribution amount limits (See **Chapter 6, Corporate & Labor Organizations**), some groups and individuals are prohibited from making **any** contributions in Indiana elections.

Individuals Who Seek to Contribute in the Name of Another

Imagine your good friend, Buddy Solicitor, invites you to a fundraiser for his friend, Larry Luck, who is running for a state legislative office. You work for a nonpartisan organization, Hoosiers Against Misfortune (HAM), which requests that employees not hold themselves out as supporting one party over another. You advise Buddy that, out of respect for HAM, you cannot attend the fundraiser. However, not wanting to disappoint Buddy, you give Buddy some money and tell him to give it to Mr. Luck in Buddy's name. Not only have you violated the campaign finance laws, but so has Buddy.

Indiana Code 3-9-4-16 prescribes a civil penalty of up to $1,000 against a person who "makes a contribution in the name of another person," or "accepts a contribution made by one person in the name of another person." This penalty may be enforced by the Indiana Election Commission or a county election board. (IC 3-9-4-17) Persons who recklessly make contributions in the name of another and persons who knowingly accept such contributions commit a Class B misdemeanor. (IC 3-14-1-11)

Another hypothetical: Charlie CEO, on behalf of Charles Industries, Inc. ("CII") is invited to a golf fund raiser for his favorite gubernatorial candidate, Gary Gov. His company has already contributed $5,000, the corporate legal limit, to Gary Gov's campaign. An avid golfer, Charlie wonders if he can get around this troublesome obstacle by asking his assistant, Secretary Sandy, to write a check for the fundraiser. He will then reimburse Sandy from the corporate account for the check amount. Fortunately, Charlie's legal adviser, Caring Counsel is consulted in time. Caring Counsel advises him that such an action would subject him to civil and criminal penalties under IC 3-9-4-16 and IC 3-14-1-11. Caring Counsel is able to appease Charlie, however, by suggesting that Charlie write the check for the golf outing from his personal account, since there are no limitations on individual contributions. Happily, Charlie can now participate in the golf outing. But his game will still be lousy.

Foreign Nationals

Under Indiana law, foreign nationals are prohibited from making contributions in connection with any (1) election (including a public question), (2) convention or (3) caucus in which a candidate is selected. (IC 3-9-2-11)

(Note: Elections activity by foreign nationals is further restricted by the Federal Election Campaign Act, which is administered by the Federal Election Commission. If you are confronting this issue, contact the FEC for further information on foreign nationals: (800) 424-9530 extension 1).

Who is a foreign national? Generally speaking, a foreign national is a **foreign principal** or a **non-U.S. citizen** who is not lawfully admitted for permanent residence in the United States. (2 U.S.C. Sec. 441(e), 22 U.S.C. Sec. 611(b), 8 U.S.C. Sec. 1101(a)(20))

Foreign principals and non-U.S. citizens include:
Foreign governments
Foreign political parties
Foreign corporations
Foreign associations
Foreign partnerships
Individuals with foreign citizenship, and
Immigrants not possessing a green card. *(See, FEC publication, "Foreign Nationals," May 1994)*

Example: Imagine you are a candidate for legislative office. You receive a check in the mail from "Do Good Industries, Inc." Upon further research about this company, you find this corporation is organized under the laws of France. This corporation has violated Indiana Code 3-9-2-11 by contributing to your campaign. If you accept the contribution, you may be in violation of federal laws proscribing acceptance of campaign contributions from foreign nationals. You should promptly return the check, or if the check has been deposited, send a refund and file an amended report, if necessary.

If you have any question about a contributor's nationality, you would be prudent to contact the contributor or conduct some research on the entity's nationality. You may also contact the Corporations Division of the Indiana Secretary of State's Office to determine if an entity is organized under the laws of Indiana or authorized to conduct business in Indiana: (317) 232-6576.

National Banks and Federally Chartered Corporations

Federal law imposes prohibitions against contributions by a national bank or a federally chartered corporation in Indiana elections. (2 U.S.C. 441b; IC 3-9-2-3(c)). Contact the Federal Election Commission at *www.fec.gov* or 800-424-9530, extension 1, for additional information concerning this issue.

Regulated Gaming Industry

Several Indiana statutes prohibit certain individuals or organizations affiliated with the regulated gaming industry from making contributions in Indiana elections. Generally speaking, these statutes are enforced by the state agency regulating the particular area of gaming, with criminal violations of the statutes coming under the jurisdiction of the appropriate prosecuting attorney.

The statutes governing these contributions provide that:

A. Certain contractors with the state lottery commission or its director (or a corporate officer or political action committee of the contractor) may not make a contribution to: (1) a candidate for state legislative office or a local office; or (2) a candidate's committee, a regular party committee, or a state legislative caucus committee; after March 28, 1996 while a contract is in effect and during the three years following the expiration of the contract. The person may not enter into these contracts if the person made a contribution to a candidate or committee within three years preceding the award of the contract. A person who knowingly or intentionally violates this provision commits a Class D felony. (IC 4-30-3-19 and IC 4-30-3-19.5)

B. A person holding a permit from the Indiana horse racing commission or a person with an interest in the permit holder may not make a contribution to: (1) a candidate for state office, state legislative office, or a local office; or (2) a candidate's committee, a regular party committee, or a state legislative caucus committee after June 30, 1996 while the permit holder holds the permit or during the three years after the final expiration or termination of the permit. A person who knowingly or intentionally violates this provision commits a Class D felony. (IC 4-31-13-3.5)

C. A person holding an owner's license or certain types of a supplier's license under the riverboat gambling law or a person with an interest in the licensee may not make a contribution to: (1) a candidate for state office, state legislative office, or a local office; or (2) a candidate's committee, a regular party committee, or a state legislative caucus committee after June 30, 1996 while the permit holder holds the license or during the three years after the final expiration or termination of the license. A person who knowingly or intentionally violates this provision commits a Class D felony. (IC 4-33-2-12 and IC 4-33-10-2.1)

D. A person holding a permit from the Indiana horse racing commission or a person with an interest in the permit holder may not give any property to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question concerning pari-mutuel horse racing or the operation of satellite facilities in the county.

E. A person holding an owner's or supplier's license for a riverboat from the Indiana gaming commission (or a person with an interest in the licensee) may not give any property to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question concerning riverboat gaming in the county. A person who knowingly or intentionally violates these restrictions commits a Class D felony. (IC 4-31-13-19 and IC 4-33-10-2.5)

The applicable statutes also define which "persons", whether individual or an organization, are considered to have an "interest" in a permit holder.

By administrative rule, the Indiana gaming commission requires that all riverboat licensees, riverboat license applicants, and supplier licensees file a quarterly report with both the Gaming Commission and the Indiana Election Commission setting forth the persons who hold an interest in a license or certificate of suitability. The Gaming Commission or its executive director may initiate an investigation or disciplinary action against a licensee who fails to file the quarterly report. See 68 IAC 1-13.

Chapter 9: General Committee Information

Treasurer Information

All campaign finance committees must have a treasurer. Even if a candidate decides to act as the candidate's own treasurer, the candidate/treasurer has the same duties and responsibilities as any other person acting as a treasurer. If a candidate does not establish a campaign finance committee and fails to file a Statement of Organization (CFA-1), then the Campaign Finance Act provides that the candidate is considered to be the campaign finance committee and serves as both chairperson and treasurer for the purposes of the Campaign Finance reporting laws. (IC 3-9-1-2, IC 3-9-1-6 and IC 3-9-1-7) Election Division Campaign Finance staff will automatically open a file for this committee, assign a file number, and advise the committee that a complete Statement of Organization must be filed.

Qualifications

Every treasurer of a campaign finance committee must comply with the following requirements:

1. The treasurer must be a citizen of the United States. (IC 3-9-1-13)
2. The treasurer may NOT be the chairman of the committee. However, a candidate may serve as both chairperson and treasurer of the candidate's committee. (IC 3-9-1-13)
3. The treasurer must be appointed in writing by the chairperson (see Form CFA-1, 2 or 3). The written appointment must be filed with the Election Division or the appropriate county election board. (IC 3-9-1-13 & IC 3-9-1-14)
4. The treasurer must accept the appointment (See Form CFA-1, 2 or 3). This written acceptance must be filed with the Election Division or the appropriate county election board. (IC 3-9-1-13 and IC 3-9-1-15)
5. Except for a candidate, an individual may be a treasurer for more than one campaign finance committee. (IC 3-9-1-18)

General Responsibilities

A good treasurer is critical for compliance with the Campaign Finance Act. The treasurer is responsible for all financial activity of a campaign finance committee; all monies and things of value collected or received must be paid over to the treasurer and expended or otherwise disbursed by the treasurer. It is unlawful for a campaign finance committee, a chairperson, a candidate or any other committee member to disburse or expend money or things for any political purpose until the money or thing of value has passed through the hands of the treasurer. (IC 3-9-1-20)

However, a treasurer may not disburse the funds of the committee or incur any liability for the committee without the authority and with the direction of the campaign finance committee. The committee may establish a voucher system whereby disbursement may be made from a voucher drawn by the chairperson and presented to the treasurer for payment. The vouchers must show the specific purpose for which the money is being expended. (IC 3-9-1-20, 21 and 22)

***Note**: The Indiana Court of Appeals held that an individual serving as treasurer of a candidate's committee may be held personally liable (along with the candidate) for the debts of the committee. Victory Comm. v. Genesis Convention Center, 597 N.E.2d 361 (Ind. App. 1992).*

On occasion, a committee may wish to designate a prominent individual to serve as its treasurer, while most of the recordkeeping and reporting tasks are performed by an "assistant treasurer" or a "custodian of records."

This procedure is permitted under the Campaign Finance Act, but the treasurer remains responsible for the performing all the duties imposed on a treasurer by state law. For example, the treasurer **must sign the CFA-4 reports required by the Act**, even if the forms were actually prepared by another individual on behalf of the treasurer.

Another procedure exists which can facilitate service to a committee by a prominent treasurer, with routine tasks being performed by another committee member. Under Indiana Code 30-5-5-14(a)(6), an individual holding a **power of attorney** may execute any document under the election code, except a ballot or absentee ballot. A committee may wish to have the treasurer execute a power of attorney to permit an assistant treasurer to sign CFA-4 reports and other campaign finance documents. An executed copy of this power of attorney should then be filed with the Election Division or a county election board to prevent confusion regarding this individual's authority to act for the committee.

Federal Tax Information

If a committee treasurer wants to open a bank account, the bank will require an employer identification number or the committee will have to use an individual's social security number. If the organization uses a social security number on the account and earns interest on this account, the interest will be reported to the Internal Revenue Service (IRS) under the individual's social security number. For more information on obtaining a federal tax identification number, call the IRS at 606-292-5467.

In addition, Federal law may impose a variety of reporting obligations on "section 527 organizations" (tax-exempt political organizations). For example, although contributions to a political organization are generally tax exempt, **investment** of these funds and resulting interest income may result in tax liability. As a consequence, a political organization may be required to file IRS Form 1120 POL. In addition, some political committees may be required to file IRS Form 8871, Form 8872 and Form 990 (or 990EZ). Check with the IRS regarding the current version of these forms. These forms are accessible on the IRS's website at www.irs.gov/formspubs.

Please note, however, that Federal legislation adopted in 2002 altered filing requirements for certain political organizations. Of significance, the new law exempts, retroactive to July 1, 2000, *state and local candidate and party committees* from filing Form 8871 Form 8872 and Form 990 (or 990-EZ). To help explain this new Federal legislation, the IRS issued Fact Sheet 2002-13 in November, 2002. This IRS publication describes the effect of this new Federal legislation and summarizes the filing requirements for different types of political committees. A copy of this publication may be viewed on the IRS's website at www.irs.gov/polorgs. If you have additional questions you may also call the Internal Revenue Service at 202-622-6494 or 202-622-7352 or consult your tax advisor regarding the tax liability of your political committee.

Raffle and Charity Gaming Information

In Indiana, only a "bona fide political organization" may conduct a raffle or other charity gaming activity for fundraising purposes. A "bona fide political organization" is defined as a party, committee, association, fund, or other organization organized and operated for directly or indirectly accepting contributions and making expenditures for an exempt purpose (as defined in Section 527 of the Internal Revenue Code). These organizations are the Democratic Party, the Republican Party, etc. **A political candidate's committee is not a "bona fide political organization" by this definition.**

Please note that if the committee does qualify as an organization that may conduct a gaming event, there may be licensing requirements. The Indiana Department of Revenue regulates charity gaming activities. To learn more about the qualifications and licensing requirements contact the Indiana Department of Revenue, Charity Gaming Section at 317-232-4646 or check the website at www.in.gov/dor/publications/charity/index.html.

Record Keeping Responsibilities

The treasurer of a committee shall keep a detailed and exact account of all information required to be reported on the CFA-4 and CFA-11 reports.

NOTE: State law no longer requires the treasurer to keep itemized records concerning contributions of more than $25 and no more than $100, although this may be critical in determining when a contributor has exceeded the $100 aggregate amount.

The treasurer of a committee shall obtain and keep receipted bills, canceled checks, or other proof of payment, stating the particulars for each expenditure made by or on behalf of a committee:

1. Of more than $25; and
2. For a small amount, if the aggregate amount of the expenditures to the same person during a year exceeds $25. (IC 3-9-1-24)

The treasurer shall preserve all receipted bills and accounts required to be kept by this section for:
1. Three years; or
2. One year after the date of dissolution of the committee; whichever occurs first. (IC 3-9-1-24)

Any person who solicits or receives contributions, other than the treasurer, must turn them over to the treasurer, without diminution, within thirty (30) days after receipt. (IC 3-9-2-9)

Reporting Responsibilities

The treasurer of every campaign finance committee is responsible for filing the campaign finance committee's reports of receipts and expenditures on forms prescribed by the Election Commission.

See Chapter 2 for special reporting requirements applicable to certain federal political action committees.

If a campaign finance committee, other than the candidate's committee, receives contributions or makes expenditures on behalf of a candidate, a notice must be given to the candidate's committee of the amount of such contributions and expenditures (CFA-5 form) and the candidate must report those amounts on the CFA-4 form or CFA-11 form. (IC 3-9-5-15)

Removal and Replacement

A committee may remove a person appointed or designated treasurer by the committee without assigning a cause. The committee may also appoint or designate the successor of the removed treasurer. Upon removal, the treasurer shall immediately account for and turn over to the treasurer's successor in office the value then in the treasurer's possession. No later than noon thirty (30) days after the removal, the treasurer shall file a full, true and detailed account and statement of receipts and expenditures (Outgoing Treasurer's Report) with the Election Division or appropriate county election board office. The treasurer of a candidate's committee for state legislative office must file with both the Election Division and the county where the candidate resides. (IC 3-9-1-19 and IC 3-9-5-12)

Change of Treasurer

Within ten (10) days following a change of treasurer, the committee must file an amended Statement of Organization (CFA-1, 2 or 3) with the Election Division or appropriate county election board office. A candidate's committee for state legislative office must file this statement with both the Election Division and the county resides. (IC 3-9-1-10)

Record Keeping

A complete and accurate record is the most essential element in fulfilling the campaign finance reporting requirements. There are various forms that must be completed to keep an accurate and daily account of contributions and expenditures received or disbursed by a campaign finance committee. It is very important to keep a record of everything in order to have an up-to-date and complete report when filling out the necessary campaign finance reports. All this can be accomplished with little difficulty by keeping the following forms and procedures daily and accurately.

Recording Contributions And Other Receipts

1. **Receipts:** A pre-numbered cash receipt form with a duplicate copy should be used. The original receipt should be given to every person, business, labor organization or other person who makes a contribution to a campaign finance committee. The duplicate copy should be kept on file as the committee's copy to assist in filling out the ledger sheet at the end of the day.

2. **Contributor Cards:** A file card or equivalent file in a computer software program should be completed and retained on each contributor who makes a donation regardless of amount and whether it is cash or a non-cash item. It is very important to note if the contributor is a corporation or labor organization. Contributions from these entities are limited and must not exceed the amounts established by IC 3-9-2-4. This card or file will contain a running balance so that when the amount of total contributions from any person or group exceeds $100, this information can be readily pulled and the information listed on the CFA-4 report as "Itemized Contribution" on Schedule A. Every entry on this card or file should also be entered on the ledger sheet or software program.

Recording Expenditures and Other Disbursements

1. **Checks:** All expenditures and other disbursements should be made by check and a bill of sale, paid invoice or a receipt for a disbursement should be received and retained. Checks with detachable stubs or with duplicates should be used so that an accurate accounting of the money disbursed can be made. All amounts expended or disbursed should be recorded on the Expenditure Card.

2. **Expenditure Card:** An expenditure card or computerized file should be completed and retained on each expenditure and disbursement made, regardless of the amount. This card, like the contribution card, will contain a running balance for when the amount of total expenditures to any person, vendor or other group (other than campaign finance committee) exceeds $100. This information can be readily pulled and listed on the CFA-4 report as an "Itemized Expenditure" on Schedule B. All transfer amounts given or paid to another campaign finance committee should be listed on an expenditure card and on Schedule B. Every entry on this card should also be entered on the ledger sheet or program.

Ledger Sheet, Cash Receipts and Disbursements Record

This record is designed to provide a simplified method of record keeping and may be used by campaign finance committees having a minimum amount of transactions as well as those having multi-column ledger sheets, obtainable at most local stationery stores. Computer software programs are also available which contain an adequate ledger program.

The columns on the far left of the form are headed to show the following:

Date
Receipt or Check Number
To Whom Paid or From Whom Received

The column numbers 1 through 3 should be headed:

#1 Cash Received
#2 Cash Disbursed
#3 Balance on Hand

These columns will indicate a running cash balance and should be totaled daily and reconciled each month with the bank account.

Receipts – Columns 4 through 8 are to be used to classify the contributions as follows:

#4 Cash Contributions
#5 Transfers-In
6-#8 (to be used for classifying specific types of receipts, if desired)

Cash receipts columns (No 4-8) should be totaled each day and such totals should agree with the daily total shown in Column #1. This total would represent the daily bank deposit.

Disbursements

Columns 9 through 21 are to be used to classify all expenditures such as advertising, office supplies, rent, utilities, etc., for which payments are made. The cash disbursement column should be totaled each day and should agree with the daily total shown in Column #2.

Note: The treasurer of the campaign finance committee shall preserve all receipted bills, records and accounts required to be kept for **three** years or for **one** year from the date when the committee disbands, or whichever occurs first. (IC 3-9-1-24)

Disclaimers

An individual, organization or a committee who expends money or solicits a contribution to finance a communication that expressly advocates the election or defeat of a clearly identified candidate must include a "disclaimer" in the communication. (IC 3-9-3-2.5)

However, the Indiana disclaimer law does not apply to:

(1) Communications concerning election to a federal office (these are governed by federal law and regulations).

(2) Communications about a public question.

(3) Political messages on radio, television, or the Internet (These media are regulated by federal law. For more information concerning any disclaimer requirements for these messages, contact the Federal Communications Commission).

(4) Items where a disclaimer cannot be conveniently printed or would be impractical such as bumper stickers, pins, buttons, pens, wearing apparel, water towers, skywriting, etc.

(5) Committee checks and receipts only used for administrative purposes.

(6) Certain communications (direct mailings of 100 or less similar pieces of mail, or communications by the PAC of a corporation or labor union requesting contributions from stockholders or labor union members).

Some examples of political materials and literature requiring disclaimers are newspaper advertisements, billboards, signs, posters, **yard signs**, (whether homemade or commercially printed), portable billboards, brochures, leaflets, circulars, letterheads and direct mail pieces sent to **more** than 100 persons.

There is no specific location for the disclaimer to be printed, as long as it is legible. In mailings, the disclaimer should appear in a prominent location, but is not required to be placed on **each** page of a document.

A disclaimer is not required to appear on the front or cover page of a communication if the disclaimer appears within the communication.

The individual, organization or committee must include in the advertisement or material one of the following statements:

1. If both authorized and paid for by the candidate or candidate's committee or an agent of the committee:

"Paid for by Smith for State Senate Committee."

2. If authorized by the candidate but paid for by someone OTHER than the candidate, or the candidate's committee or agents:

"Paid for by ABC PAC, or (ABC Political Party, or ABC Corporation, or ABC Labor Union, or ABC Association, or Mary Smith, concerned citizen) and authorized by John Doe for County Sheriff Committee."

3. If NOT authorized or paid for by the candidate, the candidate's committee or agents:

> *"Paid for by John Doe, Mary Parker and Bill Jones, and not authorized by any candidate or candidate's committee."*

All committees having gross receipts over $100,000 in a taxable year must also state on all literature and advertisement (including radio and television ads) soliciting funds:

> *"Contributions or gifts to the _____(insert the name of the committee) are not deductible as charitable contributions for federal income tax purposes." (*Section 6113 of the Internal Revenue Code)

EXCEPTION: If a communication is made by a regular party committee consisting of:

(1) printed slate card, sample ballot, or other printed listing of three or more candidates for public office at an election;
(2) campaign materials, such as handbills, posters, yard signs, or newspapers in connection with political party volunteer activities; or
(3) materials distributed by volunteers as part of the party's voter registration or get-out-the-vote efforts;

the communication must clearly state the name of the person who paid for the communication, but is not required to state that the communication was authorized by a candidate or committee. (For example: *"Paid for by the Garden Party State Committee."*) (IC 3-9-3-4(h))

EXCEPTION: A political action committee soliciting funds to pay administrative costs is not required to include the disclaimer required by *state law* since these "administrative costs" are not "contributions" under Indiana law. (IC 3-5-2-15(e))

Penalties

Circulating or publishing material concerning a candidate without the required disclaimer is a Class A misdemeanor and can be punishable by up to a $5,000 fine and not more than one year imprisonment, or possibly both. (IC 3-14-1-3 and IC 35-50-3-2)

Political signs may NOT be posted or placed on any other person's property, including a highway right-of-way and on utility poles, **without the property owner's permission**. Placing political signs **with** the approval of the property owner may also be subject to local zoning regulations. Ask your local planning commission for more information.

An unauthorized sign placed in a highway right-of-way is a public nuisance. If placed in a highway right-of-way, the sign may be removed, but ONLY by the authority having jurisdiction over the highway. (IC 9-21-4-6) Contact the appropriate office (the city or town street department, the county highway department or the state department of transportation) for assistance.

Removing signs without the authority to do so may be criminal conversion, a Class A misdemeanor (IC 35-43-4-3). Consult your personal attorney if you need more information.

Chapter 10: Enforcement & Penalties

Enforcement Procedures

The Election Division and each county election board are responsible for administering the Campaign Finance Act. As part of this administrative responsibility, the Election Division or board must ascertain whether candidates, committees, or other persons have failed to file statements of organization or reports, or have filed defective statements of organization or reports.

The Election Division or a county election board is required to conduct audits and field investigations from time to time with respect to reports and statements filed under the Act, and with respect to an alleged failure to file a report or statement. (IC 3-6-4.2-10 and IC 3-9-4-13)

Delinquent Reports

After determining that a delinquency has occurred, the Election Division or board must give notice to the delinquent candidate, committee, or person to file a statement of organization or report. The candidate, committee, or person must file the delinquent statement or report immediately following receipt of notice. The Election Division or board must make a list of delinquent filers available for public inspection and post a list of delinquent filers in a public place near the entrance to the office. (IC 3-9-4-14)

Defective Reports

The Election Division and each county election board shall ascertain whether candidates, committees or other persons have filed defective statements of organizations or defective reports and give notice to a committee filing a **defective** report to correct the report no later than noon 5 calendar days after receiving the notice. The Election Division or board shall make available for public inspection a list of persons who fail to file the required statements and reports to correct a defective filing.

Penalties

A person who fails to file a required statement or report is subject to a civil penalty of up to $1,000 to be assessed by the Commission, county election board, or both, for the delinquent report. The penalty is $50 per day with the afternoon of the deadline day counting as the first day. The Commission or county election board may add investigative costs to the penalty. (IC 3-9-4-16(c) and IC 3-9-4-17(c))

A person who fails to file a correction to the defective report after notified to do so is subject to a civil penalty up to $100 to be assessed by the Commission, county election board, or both. The penalty is $10 per day, with the afternoon of the fifth day after receipt of the notice counting as the first day. The Commission or county election board may add investigative costs to the penalty. (IC 3-9-4-16(b) and IC 3-9-4-17(b))

A person who fails to file a report required by the Campaign Finance Act with the appropriate office commits a Class B misdemeanor and is subject to a $1000 fine, 180 days imprisonment, or both. (IC 3-14-1-14)

A person who knowingly files a fraudulent report commits a Class D felony and is subject to a $10,000 fine, three years imprisonment, or both. (IC 3-14-1-13)

A member of the Commission, the co-directors of the Election Division (with the authorization of the Commission), or a member of a county election board may conduct a hearing or investigation, take evidence, and report back to the Commission or board for its consideration and action. (IC 3-9-4-15) Election Commission hearings are subject to the procedural requirements set forth in the Administrative Adjudication Act (IC 4-21.5). The Commission or board may subpoena persons and papers for this hearing. (IC 3-6-4.1-19 and IC 3-6-5-27)

If the Commission or board determines that a felony or misdemeanor violation of the Campaign Finance Act may have occurred, the violation must be reported to the appropriate prosecuting attorney. The Commission or board may have the report transmitted to the grand jury of the county in which the violation was committed and present evidence concerning the violation to the grand jury. (IC 3-14-5-3) A prosecuting attorney is responsible for prosecuting criminal violations of the Act, and may file criminal charges following referral by a county election board. (IC 3-14-5-4 and IC 3-6-5-32) The attorney general is authorized to bring a civil action such as a permanent or temporary injunction to prevent or stop violations of the Act. (IC 3-6-4.1-22 & 3-6-5-32)

Civil Penalties

The Election Commission or a county election board is **required** to impose a civil penalty for certain violations of the Campaign Finance Act, including delinquent reports and statements of organization, unless the Commission or county election board members agree **unanimously** to reduce or waive the civil penalty because imposing the penalty would be "unjust under the circumstances." (IC 3-9-4-19)

The Commission or board may impose a civil penalty upon a person for the following:

1. Failing to file a report required under the Act with the Election Division or county election board. (IC 3-9-4-16(c) & IC 3-9-4-17(c))

2. Failing to file a statement of organization required under the Act. (IC 3-9-4-16(c) & IC 3-9-4-17(c))

3. If a committee or a member of the committee disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee. (IC 3-9-1-20)

4. Making a contribution other than to a committee subject to the Act, or to a person authorized by law or to a committee to receive contributions on the committee's behalf. (IC 3-9-4-16(a)(4) & IC 3-9-4-17(a)(4))

5. Against a corporation or labor organization, for exceeding the limits on contributions under the Act. (IC 3-9-4-16(e) & IC 3-9-4-17(e)

6. Making a contribution in the name of another person. (IC 3-9-4-16(a)(6) & IC 3-9-4-17(a)(6))

7. Accepting a contribution made by one person in the name of another person. (IC 3-9-4-16(a)(7) & IC 3-9-4-17(a)(7))

8. When not the treasurer of a committee subject to the Act, paying any expenses of an election or a caucus unless authorized to do so by the Act. (IC 3-9-4-16(a)(8) & IC 3-9-4-17(a)(8))

9. Commingling committee funds with personal funds of an officer, a member, or an associate of the committee. (IC 3-9-4-16(a)(9) & IC 3-9-4-17(a)(9))

10 .Wrongfully using campaign contributions in violation of the Act. (IC 3-9-4-16(a)(10) & IC 3-9-4-17(a)(10))

11. Against a state legislative candidate or committee, for engaging in fundraising activities during a prohibited period. (IC 3-9-4-16(a)(11))

In addition to the penalties of delinquent or defective reports discussed earlier, the Commission or county election board may assess civil penalties in the following instances:

(1) A corporation or labor organization that exceeds the maximum contributions permitted under the Act is subject to a civil penalty of not more than three times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the Election Division or county election board. (IC 3-9-4-16(e) & IC 3-9-4-17(e))

(2) A state legislative candidate or the candidate's committee, that engages in fundraising activity during a prohibited period is subject to a civil penalty of $1,000 or two times the amount of any contribution received, whichever is greater. (IC 3-9-4-16(f) & IC 3-9-4-16(f))

All other violations listed above are subject to a civil penalty of not more than one thousand dollars ($1,000), plus any investigative costs incurred and documented by the Election Division or county election board. Certain officeholders who have not satisfied previous civil penalties may also be subject to additional penalties under the Act. (IC 3-9-4-18)

All civil penalties collected are deposited in the state (or county) campaign finance enforcement account. The funds in these accounts may be available to supplement funds otherwise appropriated to administer the Campaign Finance Act.

Criminal Penalties

Certain violations are also subject to criminal penalties:

1. Failure to include a required disclaimer
   Class A misdemeanor (IC 3-14-1-3)

2. Failure of committee to appoint treasurer
   Class B misdemeanor (IC 3-14-1-7)

3. A corporation or labor organization exceeding contribution limits
   Class B misdemeanor (IC 3-14-1-10)

4. A candidate for Allen County Superior Court Judge accepting excess contributions
   Class B misdemeanor (IC 3-14-1-10.5)

5. Recklessly making a contribution in the name of another person or knowingly accepting a contribution made by one person in the name of another person
   Class B misdemeanor (IC 3-14-1-11)

6. Knowingly filing a fraudulent report
   Class D felony (IC 3-14-1-13)

7. Failing to file a report with the Election Division or county election board
   Class B misdemeanor (IC 3-14-1-14)

8. Recklessly commingling committee funds
   Class B misdemeanor (IC 3-14-1-14.5)

9. Knowingly or intentionally engaging in wrongful use of campaign funds
   Class A infraction (A civil judgment, not a criminal penalty.) (IC 3-14-1-6)

Chapter 11: Indiana Campaign Finance Statutes

NOTE: These statutes are current as of January 1, 2003. Changes to these laws may be made during the 2003 session of the Indiana General Assembly.

TITLE 3 ELECTIONS

IC 3-5 Article 5. General Provisions

IC 3-5-2 Chapter 2. Definitions

IC 3-5-2-1. Applicability. The definitions in this chapter apply throughout this title.

IC 3-5-2-2.5. Auxiliary party organization. "Auxiliary party organization" means an organization located within or outside Indiana that:
(1) is affiliated with a political party;
(2) proposes to influence the election of a candidate for state, legislative, local, or school board office, or the outcome of a public question; and
(3) has not:
(A) had an annual budget of five thousand dollars ($5,000) or more in at least one (1) of the last two (2) years; or
(B) made a contribution of more than one thousand dollars ($1,000) to another committee or to a candidate.

IC 3-5-2-6. Candidate. (a) Except as provided in subsection (b), "candidate" means a person who:
(1) has taken the action necessary to qualify under Indiana law for listing on the ballot at an election or to become a write-in candidate;
(2) has publicly announced or declared candidacy for an elected office; or
(3) otherwise seeks nomination for or election to an elected office, regardless of whether the individual wins election to the office.
(b) As used in IC 3-9, an individual becomes a "candidate" when the individual, the candidate's committee, or a person acting with the consent of the individual:
(1) receives more than one hundred dollars ($100) in contributions; or
(2) makes more than one hundred dollars ($100) in expenditures.

IC 3-5-2-7. Candidate's committee. "Candidate's committee" means:
(1) The principal campaign finance committee that each candidate is required to have under IC 3-9-1; or
(2) An exploratory committee established by a candidate who has not decided whether to become a candidate for a specific office.

IC 3-5-2-8. Central committee. "Central committee" means a state committee, congressional district committee, county committee, city committee, or town committee of a political party.

IC 3-5-2-9. Chairman. "Chairman" refers to the chairman of a central committee as follows:
(1) State chairman, chairman of a state committee.
(2) District chairman, chairman of a congressional district committee.
(3) County chairman, chairman of a county committee.
(4) Town chairman, chairman of a town committee.

IC 3-5-2-15. Contribution. (a) "Contribution" means a donation (whether characterized as an advance, a deposit, a gift, a loan, a subscription, or a contract or promise to make a donation) of property (as defined in IC 35-41-1) that satisfies both of the following:

(1) The donation is made for the purpose of influencing any of the following:

(A) The nomination or election to office of a candidate.

(B) The election of delegates to a state constitutional convention.

(C) The outcome of a public question.

(2) The donation is accepted by any of the following:

(A) A candidate.

(B) A candidate's committee.

(C) A regular party committee.

(D) A political action committee.

(E) A legislative caucus committee.

(b) Whenever funds are transferred from one (1) committee to another, the accepting committee is considered to be receiving a contribution in the amount of the funds transferred.

(c) Whenever a candidate or a committee accepts the personal services of a person whose compensation is being paid by a third person, the candidate or committee is considered to be receiving a contribution from the third person in the amount of the compensation paid.

(d) Notwithstanding subsection (a), whenever a candidate or a committee accepts the personal services of a volunteer who is not being compensated, the candidate or committee is not considered to be receiving a contribution.

(e) Notwithstanding subsection (a), whenever a political action committee accepts a donation of:

(1) rent;

(2) office expenses:

(3) management fees;

(4) costs of solicitations of contributions; or

(5) other administrative costs;

the committee is not considered to be receiving a contribution.

IC 3-5-2-16. Convention. "Convention" means an organized body of delegates assembled for the purpose of selecting their political party's nominees for elected offices.

IC 3-5-2-17. Elected office. "Elected office" means a federal office, state office, legislative office, school board office, or local office. Political party offices (such as precinct committeeman and state convention delegate) are not considered to be elected offices.

IC 3-5-2-18. Election day. "Election day" refers to the calendar day on which an election is held.

IC 3-5-2-19. Election district. "Election district" means the area comprised by precincts where voters reside whose votes a candidate or committee proposes to influence.

IC 3-5-2-23. Expenditure. (a) "Expenditure" means a disbursement (whether characterized as an advance, a deposit, a distribution, a gift, a loan, a payment, a purchase, or a contract or promise to make a disbursement) of property (as defined in IC 35-41-1) that:

(1) Is made for the purpose of influencing:

(A) The nomination or election to office of a candidate;

(B) The election of delegates to a state constitutional convention; or

(C) The outcome of a public question; and

(2) Is made by:

(A) An individual, except that a contribution made by an individual is not considered to be an expenditure;

(B) A candidate's committee;
(C) A regular party committee; or
(D) A political action committee.

(b) Whenever funds are transferred from one committee to another, the disbursing committee is considered to be making an expenditure in the amount of the funds transferred.

IC 3-5-2-24. Federal office. "Federal office" refers to President of the United States, Vice President of the United States, and Senator and Representative in the Congress of the United States.

IC 3-5-2-24.5. Filing. "Filing" means the following:

(1) For purposes of filing an electronic report under IC 3-9-4-4 or IC 3-9-5-7, when the requirements of IC 3-9-4-4 or IC 3-9-5-7 have been met.
(2) For all other purposes, when all of the following have occurred:
(A) The presentation of a document to an individual required to receive the document under this title.
(B) The receipt of the document by the individual.
(C) The recording of the date and time the document was received by the individual.

IC 3-5-2-26.6. Independent. "Independent" means a candidate, or a ticket of candidates for President and Vice President of the United States or for governor and lieutenant governor, who states that the candidate or ticket is not affiliated with any political party.

IC 3-5-2-27. Legislative body. "Legislative body" means the body having the power to adopt county, city, or town ordinances under IC 36-1-3-6.

IC 3-5-2-27.3. Legislative caucus committee. "Legislative caucus committee" means an organization that satisfies all of the following:

(1) The organization is organized by members of the general assembly who belong to the same state political party.
(2) The organization proposes to influence only the election of candidates for legislative office.
(3) The organization accepts contributions or makes expenditures that in the aggregate exceed one hundred dollars ($100) during a calendar year to influence only the election of candidates for legislative office.

IC 3-5-2-28. Legislative office. "Legislative office" refers to senator and representative in the general assembly.

IC 3-5-2-29. Local office. "Local office" means a circuit office, county office, city office, town office, township office, or other civil office for which the electorate of a political subdivision votes. The term includes all elected offices other than federal, state, legislative, and school board offices.

IC 3-5-2-32.5. *(Repealed by P.L.176-1999,SEC.132.)*

IC 3-5-2-32.7. Nomination date. "Nomination date" refers to the following:

(1) For candidates nominated in a primary election, the date of the primary election.
(2) For candidates nominated in a convention, the date the convention is scheduled to be called to order, according to the call of the convention issued by the political party.
(3) For candidates selected to fill a ballot vacancy, the date the certificate of selection of the candidate is filed under IC 3-13-1-15 or IC 3-13-2-8.
(4) For candidates nominated by petition, the final date the petition of nomination is permitted to be filed under IC 3-8-6-10(c).

(5) For write-in candidates, the final date the candidate's declaration of intent to be a write-in candidate is permitted to be filed under IC 3-8-2-4.

IC 3-5-2-33. Nominee. "Nominee" means a candidate:
(1) nominated by a political party at a primary election or convention under this title as the party's candidate for an elected office in a general, municipal, or special election; or
(2) nominated by petition for an elected office.

IC 3-5-2-34. Organization. "Organization" means a person that is not an individual. The term includes a business firm or corporation, a limited liability company, a labor organization, a religious organization, a political club, a trustee, a receiver, or any other type of association or group of individuals.

IC 3-5-2-36. Person. "Person" means an individual or an organization.

IC 3-5-2-37. Political action committee. (a) Except as provided in subsection (b), "political action committee" means an organization located within or outside Indiana that satisfies all of the following:
(1) The organization proposes to influence:
(A) the election of a candidate for state, legislative, local, or school board office; or
(B) the outcome of a public question.
(2) The organization accepts contributions or makes expenditures during a calendar year:
(A) to influence the election of a candidate for state, legislative, local, or school board office or the outcome of a public question that will appear on the ballot in Indiana; and
(B) that in the aggregate exceed one hundred dollars ($100).
(3) The organization is not any of the following:
(A) An auxiliary party organization.
(B) A legislative caucus committee.
(C) A regular party committee.
(D) A candidate's committee.
(b) A corporation or labor organization that makes a contribution in accordance with IC 3-9-2 or makes an expenditure is not considered a political action committee.

IC 3-5-2-41. Public question. "Public question" means a constitutional amendment, proposition, or other issue submitted to the electorate at an election.

IC 3-5-2-42. Regular party committee. "Regular party committee" means:
(1) A central committee; or
(2) A national committee of a political party.

IC 3-5-2-45. School board office. "School board office" refers to an elected position on the school board of a school corporation.

IC 3-5-2-48. State office. "State office" refers to governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, superintendent of public instruction, attorney general, justice of the supreme court, judge of the court of appeals, judge of the tax court, and clerk of the supreme court.

IC 3-5-2-54. Write-in candidate. "Write-in candidate" means a candidate:
(1) who has filed a declaration of intent to be a write-in candidate; and
(2) whose declaration of intent to be a write-in candidate has been accepted by the appropriate authority under IC 3-8-2-5 and IC 3-8-2-6.

IC 3-9 Article 9. Political Campaigns
IC 3-9-1 Chapter 1. Campaign Committees

IC 3-9-1-1. Applicability. (a) Except as provided in subsection (b), this chapter applies to candidates in al elections and caucuses and to the following types of committees:

(1) Candidate's committees.
(2) Regular party committees.
(3) Political action committees.
(4) Legislative caucus committees.

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

(1) A candidate for a local office for which the compensation is less than five thousand dollars ($5,000) per year unless the candidate is required to file a written instrument designating a principal committee under section 5.5 of this chapter.
(2) A candidate for school board office unless the candidate is required to file a written instrument designating a principal committee under section 5.5 of this chapter.
(3) Elections for precinct committeeman or delegate to a state convention.
(4) An auxiliary party organization.

IC 3-9-1-2. Committee chairman and treasurer – Committee expenditures. Each committee must have a chairman and a treasurer who are ex officio members of the committee. A person may not make an expenditure or accept a contribution for or on behalf of a committee without the authorization of its chairman or treasurer.

IC 3-9-1-3. Statement of committee organization – Filing. Each committee must file a statement of organization not later than noon ten (10) days after it becomes a committee.

IC 3-9-1-4. Statement of committee organization – Contents. A committee must include in its statement of organization the following:

(1) The name and address of the committee.
(2) The purpose for which the committee is formed, unless the committee is a candidate's committee that identifies a specific office sought by the candidate.
(3) The name and address of the chairman and treasurer.
(4) If applicable, the name, address, office sought, and political party affiliation or independent status of each candidate whom the committee is supporting.
(5) If the committee is a legislative caucus committee, political action committee, or regular party committee and is supporting the entire ticket of a political party, the name of the party.
(6) If the committee is a political action committee supporting or opposing a public question, a brief statement of the question supported or opposed.
(7) A listing of all banks, safety deposit boxes, and other depositories used.
(8) Other information prescribed by the commission under IC 3-6-4.1-14(a)(3).

IC 3-9-1-5. Principal committee name and officers – Designation by candidate. (a) This section does not apply to the following candidates:

(1) A candidate for a local office for which the compensation is less than five thousand dollars ($5,000) per year.
(2) A candidate for a school board office.

(b) Each candidate shall have a principal committee.
(c) A candidate shall file a written instrument designating the name of the principal committee and the names of the chairman and treasurer of the committee. The written instrument must be filed not later than the earliest of the following:

(1) Noon ten (10) days after becoming a candidate.
(2) Noon seven (7) days after the final date and hour for filing any of the following, whichever applies to the candidate:
(A) A declaration of candidacy under IC 3-8-2.
(B) A petition of nomination under IC 3-8-6.
(C) A certificate of nomination under IC 3-8-7-8.
(D) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
(E) A declaration of intent to be a write-in candidate under IC 3-8-2.
(3) The date a candidate is required to file the candidate's first campaign finance report under IC 3-9-5.
(d) This designation may be made on the same instrument as the statement of organization required from the principal committee.

IC 3-9-1-5.5. Principal committee; candidates for school board or certain local offices. (a) This section applies to the following candidates:
(1) A candidate for a local office for which the compensation is less than five thousand dollars ($5,000) per year.
(2) A candidate for a school board office.
(b) A candidate shall have a principal committee.
(c) Not later than noon ten (10) days after either:
(1) the candidate receives more than five hundred dollars ($500) in contributions; or
(2) the candidate makes more than five hundred dollars ($500) in expenditures;
whichever occurs first, the candidate shall file a written instrument designating the name of the principal committee and the names of the chairman and treasurer of the committee.
(d) This designation may be made on the same instrument as the statement of organization required from the principal committee.

IC 3-9-1-6. Principal committee name and officers – Candidates failing to designate. If a candidate fails to file the instrument required by section 5 or 5.5 of this chapter, the candidate's principal committee is designated as "the (insert the name of the candidate) for . . . . (insert the title of the office sought by the candidate) committee." The candidate is then both chairman and treasurer of the committee.

IC 3-9-1-7. Candidate as candidate's committee officer. A candidate may be chairman, treasurer, or both chairman and treasurer of the candidate's committee.

IC 3-9-1-8. Candidate ex officio member of candidate's committee. A candidate is an ex officio member of the candidate's committee.

IC 3-9-1-9 *(Repealed by P.L.3-1993, SEC. 281.)*

IC 3-9-1-10. Statement of committee organization – Changes. A committee shall report any change in information previously submitted in a statement of organization within ten (10) days following the change.

IC 3-9-1-11 *(Repealed by P.L.4-1991, SEC.147.)*

IC 3-9-1-12. Disbanding committees. (a) A committee may disband at any time in the manner prescribed by this section.
(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.
(c) The commission has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for state office.
(2) A candidate's committee for legislative office.
(3) A legislative caucus committee.
(4) A political action committee that has filed a statement or report with the election division.
(5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:
(1) A candidate's committee for a local office.
(2) A candidate's committee for a school board office.
(3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.
(4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:
(1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of the committees that have filed statements of organization with the division or board under this article.
(2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:
(A) The committee has not filed any report of expenditures during the previous three (3) calendar years;
(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars ($1,000), if the committee filed a report under this article.
(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.
(4) The commission or board may issue an order administratively dissolving the committee and waiving any outstanding civil penalty previously imposed by the commission or board, if the commission or board makes the following findings:
(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.
(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.
(C) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.
(5) The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.
(6) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:
(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:
(A) One (1) or more regular party committees.
(B) One (1) or more candidate's committees.
(C) The election division.
(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(E) Contributions to the committee, on a pro rata basis.
(2) Use the surplus in any other manner permitted under IC 3-9-3-4.
(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from civil or criminal liability.

IC 3-9-1-13. Committee treasurers – Qualifications. A treasurer of a committee:
(1) Must be a United States citizen;
(2) May not be the chairman of a committee except in the case of a candidate under section 7 [IC 3-9-1-7] of this chapter;
(3) Must be appointed treasurer in writing as required by section 14 [IC 3-9-1-14] of this chapter; and
(4) Must file the written instrument of appointment as required by section 15 [IC 3-9-1-15] of this chapter.

IC 3-9-1-14. Committee treasurers – Appointment or designation. The chairman of a committee shall appoint or designate the treasurer of the committee in a written instrument.

IC 3-9-1-15. Committee treasurers – Filing of notice of appointment or designation. The treasurer of a committee shall file a notice of the treasurer's written appointment or designation with the election division or the county election board, as required by IC 3-9-5-2, IC 3-9-5-3, or IC 3-9-5-4.

IC 3-9-1-16 *(Repealed by P.L.8-1992, SEC.43.)*

IC 3-9-1-17 *(Repealed by P.L.8-1992, SEC. 43.)*

IC 3-9-1-18. Committee treasurers – Service on multiple committees. A treasurer of one committee may be the treasurer of another committee unless the treasurer is a candidate.

IC 3-9-1-19. Removal and replacement of committee chairman or treasurer. (a) A committee may remove a person appointed or designated chairman or treasurer by the committee without assigning a cause. The committee may also appoint or designate the successor of the removed chairman or treasurer.
(b) Upon removal, the treasurer shall immediately account for and turn over to the treasurer's successor in office the value then in the treasurer's possession.

IC 3-9-1-20. Collection and disbursement of committee funds – Handling by treasurer required. All money or other property collected or received by a committee or by a member of it for a political purpose shall be paid over to and made to pass through the hands of the treasurer of the committee. Similarly, all money or other property must be disbursed by the treasurer.

IC 3-9-1-21. Committee treasurers – Expenses and disbursements subject to committee's authority. The treasurer of a committee may not expend or disburse money or other property or incur any liability except by the authority and subject to the direction of the committee for which the treasurer is acting.

IC 3-9-1-22. Disbursement vouchers. Disbursements may be made by a voucher drawn by the chairman of a committee on the treasurer and presented to the treasurer for payment. The voucher must show the specific purpose for which the money is being expended.

IC 3-9-1-23. Committee treasurer's account. The treasurer of a committee shall keep a detailed and exact account of the information required to be reported under this article.

IC 3-9-1-24. Committee treasurer – Records and files required. (a) The treasurer of a committee shall obtain and keep receipted bills, cancelled checks, or other proof of payment, stating the particulars for each expenditure made by or on behalf of a committee:

(1) Of more than twenty-five dollars ($25); and

(2) For a smaller amount, if the aggregate amount of the expenditures to the same person during a year exceed twenty-five dollars ($25).

(b) The treasurer shall preserve all receipted bills and accounts required to be kept by this section for:

(1) Three (3) years; or

(2) One (1) year after the date of dissolution of the committee;

whichever occurs first.

IC 3-9-1-25. Solicitation and receipt of contributions by committeemen other than treasurer – Authority – Turning over funds – Treasurer's report. (a) A member of a committee that has appointed a treasurer in accordance with this chapter may solicit or receive contributions as long as the member immediately turns over the contributions without diminution to the treasurer of the committee, to be disbursed and accounted for by the treasurer as provided by this article. The treasurer shall show, in the treasurer's account and statement and in addition to the requirements of IC 3-9-5, through what member of the committee any contributions were received.

(b) A contribution is considered to be received and accepted by a committee when any member of the committee:

(1) has physical possession of the contribution; and

(2) manifests an intent to keep the contribution by depositing the contribution, subject to IC 3-9-5-14(c).

IC 3-9-1-25.5 Receipt and acceptance of contributions. For purposes of this article, a person makes a contribution during the calendar year in which the person relinquishes control over the contribution by:

(1) depositing the contribution in the United States mail; or

(2) transferring the contribution to any other person who has been directed to convey the contribution to the person intended to be the recipient of the contribution.

IC 3-9-1-26. Receipt or disbursement of funds by committeemen other than treasurer – Applicability of treasurer's requirements, obligations and penalties. A person, except a person authorized by the treasurer of a committee and a member of a committee, who receives or disburses money for a political purpose is subject to all the requirements, obligations, and penalties to which the treasurer of a committee is subject.

IC 3-9-2 Chapter 2. Campaign Contributions

IC 3-9-2-1. Applicability. (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) A legislative caucus committee.

(b) Sections 2 through 10 [IC 3-9-2-2 through IC 3-9-2-10] of this chapter do not apply to elections for precinct committeeman or delegate to a state convention.

(c) Section 9 [IC 3-9-2-9] of this chapter applies to a candidate only if the candidate is required to file a written instrument designating a principal committee under IC 3-9-1-5 or IC 3-9-1-5.5.

(d) Sections 9 and 10 [IC 3-9-2-9 and IC 3-9-2-10] of this chapter apply to an auxiliary party organization.

IC 3-9-2-2. Contributions by candidates. Except as otherwise provided in this article, a candidate may make a voluntary payment of money to a treasurer of a committee for a purpose permitted by this article.

IC 3-9-2-3. Contributions by corporations and labor organizations permitted. (a) Notwithstanding IC 23-15-5 or any other statute, a corporation or labor organization may make a contribution to aid in the:

(1) election or defeat of a candidate; or

(2) the success or defeat of:

(A) a political party; or

(B) a public question submitted to a vote in an election.

(b) Contributions by a corporation or labor organization are limited to those authorized by sections 4, 5, and 6 [IC 3-9-2-4, IC 3-9-2-5 and IC 3-9-2-6] of this chapter.

(c) A national bank or a corporation organized by authority of any law of Congress must comply with contribution restrictions applicable to Indiana elections under 2 U.S.C. 441b.

IC 3-9-2-4. Contributions by corporations and labor organizations – Maximum amounts. During a year a corporation or labor organization may not make total contributions in excess of:

(1) An aggregate of five thousand dollars ($5,000) apportioned in any manner among all candidates for state offices (including a judge of the court of appeals whose retention in office is voted on by a district that does not include all of Indiana);

(2) An aggregate of five thousand dollars ($5,000) apportioned in any manner among all state committees of political parties;

(3) An aggregate of two thousand dollars ($2,000) apportioned in any manner among all candidates for the senate of the general assembly;

(4) An aggregate of two thousand dollars ($2,000) apportioned in any manner among all candidates for the house of representatives of the general assembly;

(5) An aggregate of two thousand dollars ($2,000) apportioned in any manner among regular party committees organized by a legislative caucus of the senate of the general assembly;

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

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

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

IC 3-9-2-5. Contributions by corporations and labor organizations to committees. (a) A contribution:

(1) authorized under subsection (c) or section 4 [IC 3-9-2-4] of this chapter;

(2) to a committee by a corporation or labor organization; and

(3)designated by that corporation or labor organization for disbursement to a specific candidate, central committee, or other regular party committee;

is subject to the limitations in section 4 of this chapter.

(b) A corporation or labor organization may make a donation to cover any amount of administrative costs (as described in IC 3-5-2-15(e)) to a political action committee established and controlled by the corporation or labor organization. A donation made under this subsection is not considered a contribution or an expenditure by the corporation or labor organization.

(c) A corporation or labor organization may make a contribution to a political action committee if the contribution:

(1) does not exceed any of the limits prescribed under section 4 of this chapter; and

(2) is designated for disbursement to a specific candidate or committee listed under section 4 of this chapter.

IC 3-9-2-6. Contributions by corporations and labor organizations – Exemptions to statutory provisions.
Sections 4 and 5 [IC 3-9-2-4 and IC 3-9-2-5] of this chapter do not apply to the following:
(1) Nonpartisan registration and get-out-the-vote campaigns:
(A) By a corporation aimed at its stockholders and employees; or
(B) By a trade association or labor organization aimed at its members.
(2) A contribution or transfer by an incorporated nonpartisan political action committee to any other committee.
(3) A contribution supporting or opposing the approval of a public question submitted to the electorate of the entire state or a local public question.

IC 3-9-2-7. Legal expenses of election contests. This article does not limit or affect the right of a person to expend money for proper legal expenses in maintaining or contesting the result of an election.

IC 3-9-2-8. Central committees – Receipt of contributions from national committees. A central committee may accept contributions from the national committee or the national congressional committee of a political party to be expended for purposes authorized by this article.

IC 3-9-2-9. Contributions to be transferred to treasurers – Commingling of funds. (a) Each person who accepts a contribution for a committee shall, on demand of the treasurer of the committee, and in any case within thirty (30) days after receipt of the contribution, transfer to the treasurer the actual contribution if it is money or a detailed account if it is other than money.
(b) The transfer must include the actual monetary value and the information about the contribution required to be reported by the treasurer under IC 3-9-5-14.
(c) This subsection applies to a committee that accepts contributions or makes expenditures in an aggregate amount of more than two hundred dollars ($200) in a year. All funds of a committee must be segregated from, and may not be commingled with, the personal funds of officers, members, or associates of the committee.

IC 3-9-2-10. Paid political solicitation notice. An individual, an organization, or a committee shall include in all literature and advertisements soliciting contributions:
(1) the notice required under IC 3-9-3-2.5; and
(2) any notice required under Section 6113 of the Internal Revenue Code (26 U.S.C. 6113).

IC 3-9-2-11. Contribution of a foreign national prohibited. A foreign national (as defined in 2 U.S.C. 441e(b)) may not make a contribution in connection with:
(1) An election;
(2) A convention; or
(3) A caucus in which a candidate is selected;
under this title.

IC 3-9-2-12. Prohibited period for soliciting or accepting contribution or conducting fundraising activities. (a) This section does not apply to:
(1) a member of the general assembly; or
(2) a candidate's committee of a member of the general assembly;
with respect to an office other than a legislative office to which the member seeks election.
(b) As used in this section, "affected person" refers to any of the following:
(1) An individual who holds a legislative office.
(2) A candidate for a legislative office.
(c) As used in this section, "prohibited period" means the period:

(1) beginning on the day in January in each odd-numbered year the general assembly reconvenes under IC 2-2.1-1-2; and
(2) through the day the general assembly adjourns sine die in an odd-numbered year under IC 2-2.1-1-2.

(d) During the prohibited period, an affected person, an affected person's candidate's committee, and a legislative caucus committee may not do any of the following:
(1) Solicit campaign contributions.
(2) Accept campaign contributions.
(3) Conduct other fundraising activities. This subdivision does not prohibit an affected person from participating in party activities conducted by a regular party committee.

IC 3-9-2-13. Contributions in violation of certain statutes. An individual may not make or receive a contribution in violation of the following statutes:
(1) IC 4-23-7-3.5 (Indiana Library and Historical Department).
(2) IC 4-23-7.1-38 (Indiana State Library).
(3) IC 4-23-7.2-17 (Indiana Historical Bureau).
(4) IC 8-23-2-3 (Indiana Department of Transportation).
(5) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural Resources).

IC 3-9-3 Chapter 3. Campaign Expenses

IC 3-9-3-1. Applicability. (a) Except as provided in subsection (b), 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 [IC 3-9-3-4] of this chapter does not apply to candidates for federal office.

IC 3-9-3-2 *(Repealed by P.L.3-1997, SEC. 475.)*

IC 3-9-3-2.5. Person or entity authorizing or paying for communication must be identified. (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 an, 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) A communication that would require a disclaimer if distributed separately must contain the required disclaimer if included in a package of materials.

(f) 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.

(g) Except as provided in subsection (h), 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 campaign finance 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 campaign finance committee.

(2) If the communication is paid for by other persons but authorized by:

(A) a candidate;

(B) an authorized campaign finance 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 campaign finance committee.

(3) If the communication is not authorized by:

(A) a candidate;

(B) an authorized campaign finance 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 campaign finance committee that is not a candidate's committee, the solicitation must clearly state the full name of the person who paid for the communication.

(h) 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.

IC 3-9-3-3 *(Repealed by P.L.3-1997, SEC. 475.)*

IC 3-9-3-4. Use of money received as contribution. (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 and loan 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.

IC 3-9-4 Chapter 4. Administration by Election Division and County Election Boards

IC 3-9-4-1. Applicability. (a) Except as provided in subsection (b), 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) A legislative caucus committee.

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

(1) A candidate for a local office for which the compensation is less than five thousand dollars ($5,000) per year unless the candidate is required to file a written instrument designating a principal committee under IC 3-9-1-5.5.

(2) Elections for precinct committeeman or delegate to a state convention.

(3) A candidate for a school board office unless the candidate is required to file a written instrument designating a principal committee under IC 3-9-1-5.5.

(4) An auxiliary party organization.

IC 3-9-4-2. Report and statement forms. The election division shall furnish forms prescribed by the commission for making the reports and statements required to be filed under this article.

IC 3-9-4-3. Manual of recommended bookkeeping and reporting methods. The commission shall prepare, publish, and furnish to candidates and all interested persons on request a manual setting forth recommended uniform methods of bookkeeping and reporting and shall summarize all the requirements of this article.

IC 3-9-4-4. Filing and coding system – Storage of campaign finance reports – Availability of reports. (a) The election division shall develop a filing and coding system consistent with the purposes of this article. The election division and each county election board shall use the filing and coding system. The coding system must provide:

(1) not more than ten (10) codes to account for various campaign expenditure items; and

(2) a clear explanation of the kinds of expenditure items that must be accounted for under each code.

(b) The election division shall develop and use a computer system to store campaign finance reports required to be filed under IC 3-9-5-6, IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the election division to do the following:

(1) Identify all candidates or committees that received contributions from a contributor over the past three (3) years.

(2) Identify all contributors to a candidate or committee over the past three (3) years.

(3) Provide for electronic submission, retrieval, storage, and disclosure of campaign finance reports of candidates for the following:

(A) Legislative office.

(B) State office.

The election division shall provide training at no cost to candidates to enable candidates described in this subdivision to file campaign finance reports electronically.

(c) This subsection applies to an electronic submission under subsection (b)(3). An electronic submission must be in a format previously approved by the commission that permits the election division to print out a hard copy of the report after the receipt of the electronic submission from the candidate. Filing of a report occurs under IC 3-5-2-24.5 on the date and at the time electronically recorded by the election division's computer system. If a discrepancy exists between the text of the electronic submission and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(d) The election division is not required to accept an electronic submission unless the submission complies with subsection (b)(3). Upon receiving approval from the commission, the election division may accept an electronic submission from candidates, committees, or persons described in subsection (b)(3).

(e) The election division shall make campaign finance reports stored on the computer system under subsection (b) available to the general public through an on-line service.

IC 3-9-4-5. Reports and statements – Public inspection – Copying – Use of information. (a) The election division and each county election board shall make the reports and statements filed with them available for public inspection and copying, commencing as soon as practicable but not later than the end of the second business day following the day during which they were received.

(b) The election division and the county election boards shall also permit copying of a report or statement by hand or by duplicating machine, as requested, at the expense of the person and subject to IC 5-14-3-8. Inspection and copying of records contained on the computer system described in section 4(b) [IC 3-9-4-4(b)] of this chapter are subject to IC 5-14-3.

(c) A person may not sell information copies from reports and statements under this section or use it for a commercial purpose. However, this restriction does not apply to a newspaper, magazine, book, or other communication with a principal purpose other than communicating contributor information:

(1) to solicit contributions; or

(2) for other commercial purposes.

IC 3-9-4-6. Reports and statements – Retention. (a) Except as provided in subsection (b), the election division and each county election board shall preserve reports and statements for four (4) years from December 1 following the election to which they pertain, unless the records are in litigation.

(b) This subsection applies to reports and statements filed by a person that seeks to influence the election or retention of an individual to an office with a term of more than four (4) years. The election division and each county election board shall preserve the reports and statements subject to this subsection until the final December 1 before the expiration of the term for the office, unless the records are in litigation.

IC 3-9-4-7. List of statements. The election division and each county election board shall compile and maintain a current list of all statements or parts of statements pertaining to each candidate, committee, and public question.

IC 3-9-4-8. Annual report of candidate contributions and expenditures. (a) The election division shall prepare and make available to the public an annual report including compilations of total reported contributions and expenditures for all candidates, committees, and other persons during the year.
(b) Each county election board may prepare an annual report that includes compilations of total reported contributions and expenditures for all candidates, committees, and other persons within the county during the year.

IC 3-9-4-9. Annual compilation of state, legislative and local expenditures and contributions. The election division and each county election board may prepare and publish annual compilations of:
(1) total amounts expended according to categories it determines and broken down into:
(A) candidate;
(B) party;
(C) legislative caucus committee; and
(D) political action committee;
expenditures on the state, legislative, and local levels;
(2) total amounts expended for influencing nominations and elections stated separately; and
(3) total amounts contributed according to categories of amounts it determines and broken down into contributions on the state, legislative, and local levels for candidates and committees.

IC 3-9-4-10. Reports comparing contributions and expenditures with prior elections. The election division and each county election board may prepare and publish special reports from time to time comparing the various totals and categories of contributions and expenditures made with respect to previous elections.

IC 3-9-4-11. Other reports. The election division and each county election board may prepare and publish other reports they consider appropriate.

IC 3-9-4-12 *(Repealed by P.L.3-1995, SEC.157.)*

IC 3-9-4-13. Audits and field investigations. The election division and each county election board shall make audits and field investigations from time to time with respect to reports and statements filed under this article and with respect to an alleged failure to file a report or statement required under this article. The election division may request the state board of accounts to assist in the performance of audits the election division considers necessary, and the state board of accounts may perform the audits that are requested.

IC 3-9-4-14. Failure to file reports and defective reports. (a) The election division and each county election board shall do all of the following:
(1) Ascertain whether candidates, committees, or other persons have:
(A) failed to file statements of organization or reports; or
(B) filed defective statements of organization or reports.
(2) Give the following notices:
(A) To delinquents to file a statement of organization or a report immediately upon receipt of the notice. A delinquency notice must be given no later than thirty (30) days after the date the report was required to be filed. The election division or a county election board may, but is not required to, give delinquency notices at other times.
(B) To persons filing defective reports to make a supplemental statement or report correcting all defects not later than noon five (5) calendar days after receipt of the notice.

(3) Make available for public inspection a list of delinquents and person who have failed to file the required supplemental statement or report. The election division and each county election board shall post a list of delinquents in a public place at or near the entrance of the commission's or board's respective offices.

(b) The election division shall mail:

(1) to each candidate required to file a campaign finance report with the election division; and

(2) twenty-one (21) days before the campaign finance reports are due;

the proper campaign finance report forms and a notice that states the date the campaign finance reports are due. The election division is required to mail notices and forms only to candidates for state offices and legislative offices. A county election board may, but is not required to, implement this subsection for candidates for local offices.

(c) Notwithstanding any notice given to a delinquent under subsection (a) or (b), the delinquent remains liable for a civil penalty in the full amount permitted under this chapter for failing to file a campaign finance report or statement of organization not later than the date and time prescribed under this article.

IC 3-9-4-15. Hearings and investigations. A member of the commission, the co-directors, with the authorization of the commission, or a member of a county election board may conduct a hearing or an investigation, take evidence, and report back to the commission or board for its consideration and action.

IC 3-9-4-16. Failure to file report – Penalty – Collection of civil penalties – Reversion of funds.

(a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

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

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

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

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

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

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

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

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

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

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

(11) Violates IC 3-9-2-12.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 [IC 3-9-4-14] of this chapter, the commission may assess a civil penalty. The penalty is ten dollars ($10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars ($100) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars ($50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars ($1,000) plus any investigative costs

incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.
(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty of not more than one thousand dollars ($1,000), plus any investigative costs incurred and documented by the election division.
(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.
(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:
(1) Two (2) times the amount of any contributions received.
(2) One thousand dollars ($1,000).
(g) All civil penalties collected under this section shall be deposited with the treasurer of state in the campaign finance enforcement account.
(h) Proceedings of the commission under this section are subject to IC 4-21.5.

IC 3-9-4-17. Failure to file report – Collection of civil penalties – Reversion of funds. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:
(1) Fails to file with a county election board a report in the manner required under IC 3-9-5.
(2) Fails to file a statement of organization required under IC 3-9-1.
(3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
(4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions in the committee's behalf.
(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-8-2-4.
(6) Makes a contribution in the name of another person.
(7) Accepts a contribution made by one (1) person in the name of another person.
(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.
(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.
(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.
(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the county election board determines that a person failed to file the report or a statement of organization not later than noon five (5) days after being given notice under section 14 [IC 3-9-4-14] of this chapter, the county election board may assess a civil penalty. The penalty is ten dollars ($10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars ($100) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.
(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the county election board determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the board shall assess a civil penalty. The penalty is fifty dollars ($50) for each day the report is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under

this subsection may not exceed one thousand dollars ($1,000) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.
(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the county election board determines that a person is subject to a civil penalty under subsection (a), the board may assess a civil penalty of not more than one thousand dollars ($1,000), plus any investigative costs incurred and documented by the board.
(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the county election board determines that a person is subject to a civil penalty under subsection (a)(5), the board may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the board.
(f) All civil penalties collected under this section shall be deposited with the county treasurer to be deposited by the county treasurer in a separate account to be known as the campaign finance enforcement account. The funds into the account are available, with the approval of the county fiscal body, to augment and supplement the funds appropriated for the administration of this article.
(g) Money in the campaign finance enforcement account does not revert to the county general fund at the end of a county fiscal year.
(h) Proceedings of the county election board under this section are subject to IC 4-21.5.

IC 3-9-4-18. Filing of delinquent report. (a) As used in this section, “delinquent or defective report” refers to a campaign finance report or statement of organization:

(1) that was required to be filed under IC 3-9-5 but was not filed in the manner required under IC 3-9-5; and

(2) for which a person was assessed a civil penalty under section 16 or 17 of this chapter.

(b) As used in this section, “election board” refers to the following:

(1) The commission if a civil penalty was assessed under section 16 of this chapter.

(2) The county election board if a civil penalty was assessed under section 17 of this chapter.

(c) As used in this section, “person” refers to a person who:

(1) has been assessed a civil penalty under section 16 or 17 of this chapter; and

(2) has filed a declaration of candidacy, a petition of nomination, or a declaration of intent to be a write-in candidate in a subsequent election or for whom a certificate of nomination has been filed.

(d) A person who does both of the following is relieved from further civil liability under this chapter for the delinquent or defective report:

(1) Files the delinquent report or amends the defective report from the previous candidacy:

(A) before filing a report required under IC 3-9-5-6; or

(B) at the same time the person files the report required under IC 3-9-5-6;

for a subsequent candidacy.

(2) Pays all civil penalties assessed under section 16 or 17 of this chapter for the delinquent report.

(e) This subsection applies to a person who:

(1) is assessed a civil penalty under this chapter; and

(2) is elected to office in the subsequent election.

The election board may order the auditor of state or the fiscal officer of the political subdivision responsible for issuing the person’s payment for serving in office to withhold from the person’s paycheck the amount of the civil penalty assessed under this chapter. If the amount of the paycheck is less than the amount of the civil penalty, the auditor or fiscal officer shall continue withholding money from the person’s paycheck until an amount equal to the amount of the civil penalty has been withheld.
(f) The auditor of state or fiscal officer shall deposit an amount paid, recovered, or withheld under this section in the election board’s campaign finance enforcement account.
(g) Proceedings of the election board under this section are subject to IC 4-21.5.

IC 3-9-4-19. Waiver or reduction of civil penalty. Notwithstanding section 16 or 17 [IC 3-9-4-16 and IC 3-9-4-17] of this chapter, if upon the unanimous vote of its entire membership, the commission or a county election board finds that imposition of a civil penalty required to be imposed would be unjust under the circumstances, the commission or board may do either of the following:
(1) Waive the penalty.
(2) Reduce the penalty to an amount specified by the commission or the board.

IC 3-9-5 Chapter 5. Reports Required of Candidates and Committees

IC 3-9-5-1. Applicability. (a) Except as provide in subsection (b), 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) A legislative caucus committee.
(b) This chapter does not apply to the following:
(1) A candidate for a local office for which the compensation is less than five thousand dollars ($5,000) per year unless the candidate is required to file a written instrument designating a principal committee under IC 3-9-1-5.5
(2) A candidate for a school board office unless the candidate is required to file a written instrument designating a principal committee under IC 3-9-1-5.5.
(3) Elections for precinct committeeman or delegate to a state convention.
(4) An auxiliary party organization.

IC 3-9-5-2. Candidates and committees required to file documents with election division. The following persons, whenever required to file a report, notice, or other instrument by this article, shall file it with the election division:
(1) Candidates for state office and their candidate's committees.
(2) The following central committees:
(A) State committees.
(B) Congressional district committees.
(3) Other regular party committees that propose to influence the election of a candidate for state or legislative office or the outcome of a public question for or against which the electorate of the whole state may vote.
(4) Political action committees that propose to influence the election of a candidate for state or legislative office or the outcome of a public question for or against which the electorate of the whole state may vote.
(5) Legislative caucus committees.

IC 3-9-5-3. Filing of documents by legislative office candidate and his committee. A candidate for legislative office and the candidate's committee shall file each report, notice, or other instrument required by this article with the election division. The candidate and committee shall also file a duplicate copy with the county election board of the county in which the candidate resides.

IC 3-9-5-4. Candidates and committees required to file documents with county election boards. The following persons, whenever required to file a report, notice, or other instrument by this article, shall file it with the county election board of each county comprising part of the affected election district:
(1) Candidates for local office and their candidate's committees.
(2) Regular party committees that are not required to file with the election division.
(3) Political action committees that are not required to file with the election division.

IC 3-9-5-5. Reports of receipts and expenditures. The treasurer of each committee shall file reports of receipts and expenditures on forms prescribed or approved by the commission.

IC 3-9-5-6. When reports must be completed. (a) This subsection applies to a candidate's committee. Except as otherwise provided in this chapter, each committee, the committee's treasurer, and each candidate shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before the nomination date.
(2) Twenty-five (25) days before the general, municipal, or special election.
(3) The annual report filed and dated as required by section 10 of this chapter.

(b) This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election.
(2) Twenty-five (25) days before a general, municipal, or special election.
(3) The date of the annual report filed and dated as required under section 10 of this chapter.

(c) This subsection applies to a legislative caucus committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election conducted in an even-numbered year.
(2) Twenty-five (25) days before a general election conducted in an even-numbered year.
(3) The date of the annual report filed and dated as required under section 10 of this chapter.

A legislative caucus committee is not required to file any report concerning the committee's activity during an odd-numbered year other than the annual report filed and dated under section 10 of this chapter.

(d) This subsection applies to a political action committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election.
(2) Twenty-five (25) days before a general, municipal, or special election.
(3) The date of the annual report filed and dated as required under section 10 of this chapter.

IC 3-9-5-7. Time for delivering and filing reports. (a) A person may deliver reports to the appropriate office as follows:

(1) By hand.
(2) By mail.
(3) By electronic mail, if the appropriate office has the capacity to do all of the following:
    (A) receive electronic mail; and
    (B) print out a hard copy of the report after the receipt of the electronic mail by the office.

(b) Reports must be filed as follows:

(1) Hand delivered reports or reports transmitted by mail must be filed with the appropriate office during regular office hours not later than noon seven (7) days after the date of the report.
(2) Reports delivered by electronic mail must be filed with the appropriate office not later than noon seven (7) days after the date of the report.

(c) This subsection applies to a report delivered by electronic mail. Filing of a report occurs under IC 3-5-2-24.5 on the date and at the time electronically recorded by the office's computer system. If a discrepancy exists between the text of the electronic mail and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(d) An office is not required to accept a report or statement required under this article by facsimile transmission. Upon approval of a policy by the commission or a county election board to receive reports or statements by facsimile transmission, the election division or the county election board may accept the facsimile transmission of a report or statement.

IC 3-9-5-8. Time for filing reports – Candidates nominated after deadline in IC 3-9-5-7. (a) This section applies to a candidate for nomination to an office in a state convention who becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention.
(b) A candidate is not required to file a report in accordance with section 6(a)(1) of this chapter. The candidate shall file the candidate's first report not later than noon twenty (20) days after the nomination date for a candidate chosen at a state convention.
(c) The reporting period for the first report required for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the state convention.

IC 3-9-5-8.2. Time for filing reports - Candidates nominated under IC 3-8-6. (a) This section applies to a candidate who is nominated by petition under IC 3-8-6.
(b) A candidate is not required to prepare or file a report before the nomination date.
(c) The period for the first report required for a candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date.

IC 3-9-5-8.4. Time for filing reports – Write-in candidates. (a) This section applies to a candidate who files a declaration of intent to be a write-in candidate under IC 3-8-2.
(b) A candidate is not required to prepare or file a report before the nomination date.
(c) The period for the first report required for a candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date.

IC 3-9-5-8.5. Candidate selected to fill vacancy on ballot. Reporting period for candidate's committee. (a) This section applies to a candidate who is selected to fill a vacancy on the ballot under IC 3-13-1 or IC 3-13-2.
(b) A candidate is not required to prepare or file a report before the nomination date.
(c) Except as provided in subsection (d), the period for the first report required for a candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date.
(d) This subsection applies to a candidate selected under IC 3-13-2 to fill a vacancy on the ballot. A candidate is not required to prepare or file a report before or after the nomination date. The period for the first report required for a candidate begins on the date that the individual became a candidate and ends December 31 following the election.

IC 3-9-5-9. Candidates not appearing on ballots or seeking nomination during year – Report required. (a) Except as provided in subsections (b) and (c), in a year in which a candidate is not a candidate for election to an office to which this article applies or does not seek nomination at a caucus or state convention for election to an office to which this article applies, the treasurer of the candidate's committee shall file only the report required by section 10 [IC 3-9-5-10] of this chapter.
(b) This subsection applies to a candidate who holds one (1) office and is a candidate for a different office (or has filed a statement of organization for an exploratory committee without indicating that the individual is a candidate for a specific office). The treasurer of the candidate's committee for the office the candidate holds shall file the following reports:

(1) If the committee spends, transfers in, or transfers out at least ten thousand dollars ($10,000) from January 1 until twenty-five (25) days before the primary election, the treasurer shall file a pre-primary report under section 6 [IC 3-9-5-6] of this chapter.

(2) If the committee spends, transfers in, or transfers out at least ten thousand dollars ($10,000) from twenty-five (25) days before the primary election until twenty-five (25) days before the general election, the treasurer shall file a pre-general election report under section 6 of this chapter.

(3) The report required under section 10 of this chapter.

(c) This subsection applies to a candidate who is required to file a pre-primary report or a pre-convention report under section 6 of this chapter and who:

(1) is defeated at the primary election or convention; or

(2) withdraws or is disqualified as a candidate before the general election.
The treasurer of a candidate's committee described by this subsection is not required to file a pre-general election report under section 6 of this chapter but shall file the report required by section 10 of this chapter.

IC 3-9-5-10. Annual committee reports. The treasurer of each committee shall file a report each year that is complete as of December 31 of the previous year and covers the period since the last report. This annual report is due by noon:
(1) the third Wednesday in January, in the case of:
(A) a candidate's committee;
(B) a legislative caucus committee; or
(C) a political action committee; or
(2) March 1, in the case of a regular party committee.

IC 3-9-5-11. Disbanding committee reports. No later than noon thirty (30) days after the date a committee disbands, the last person to be treasurer of the committee shall file a final report that is complete as of the last day the committee existed and covers the period since the last report.

IC 3-9-5-12. Change of treasurer reports. No later than noon thirty (30) days after the date a treasurer of a continuing committee leaves office, the outgoing treasurer shall file a final report that is complete as of the last day the person was treasurer and covers the period since the last report.

IC 3-9-5-13. Use of federal election reports. (a) A person may file duplicates of the reports required to be filed under the Federal Election Campaign Act (2 U.S.C. 431 et seq.) To comply with this chapter.
(b) The duplicate must cover all activity of the committee, and the committee shall file a supplementary report as directed by the election division to provide information required by this article but not included in the federal report.
(c) Each candidate for United States Senator or United States Representative and the treasurer of the candidate's committee may file with the election division duplicates of the reports required by federal law.

IC 3-9-5-14. Committee's treasurer reports. (a) As used in this section, "threshold contribution amount" refers to the following:
(1) For contributions made to a candidate's committee, a legislative caucus committee, or a political action committee, one hundred dollars ($100).
(2) For contributions made to a regular party committee, two hundred dollars ($200).
(b) The report of each committee's treasurer must disclose the following:
(1) The amount of cash on hand and the value of any investments made by the committee at the beginning of the reporting period.
(2) The total sum of individual contributions including transfers-in, accepted by the committee during its reporting period.
(3) The following information regarding each person who has made one (1) or more contributions within the year, in an aggregate amount that exceeds the threshold contribution amount in actual value to or for the committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events:
(A) The full name of the person.
(B) The full mailing address of the person making the contribution.
(C) The person's occupation, if the person is an individual who has made contributions to the committee of at least one thousand dollars ($1,000) during the calendar year.
(D) The date and amount of each contribution.
(4) The name and address of each committee from which the reporting committee received, or to which that committee made, a transfer of funds, together with the amounts and dates of all transfers.

(5) If the reporting committee is a candidate's committee, the following information about each other committee that has reported expenditures to the reporting candidate's committee under section 15 of this chapter:

(A) The name and address of the other committee.

(B) The amount of expenditures reported by the other committee.

(C) The date of the expenditures reported by the other committee.

(D) The purpose of the expenditures reported by the other committee.

(6) Each loan to or from a person within the reporting period together with the following information:

(A) The full names and mailing addresses of the lender and endorsers, if any.

(B) The person's occupation, if the person is an individual who has made loans of at least one thousand dollars ($1,000) to the committee during the calendar year.

(C) The date and amount of the loans.

(7) The total sum of all receipts of the committee during the reporting period.

(8) The full name, mailing address, occupation, and principal place of business, if any, of each person other than a committee to whom an expenditure was made by the committee or on behalf of the committee within the year in an aggregate amount that:

(A) exceeds one hundred dollars ($100), in the case of a candidate's committee, legislative caucus committee, or political action committee; or

(B) exceeds two hundred dollars ($200), in the case of a regular party committee.

(9) The name, address, and office sought by each candidate for whom any expenditure was made or a statement identifying the public question for which any expenditure was made, including the amount, date, and purpose of each expenditure.

(10) The full name, mailing address, occupation, and principal place of business, if any, of each person to whom an expenditure for personal services, salaries, or reimbursed expenses was made within the year in an aggregate amount that:

(A) exceeds one hundred dollars ($100), in the case of a candidate's committee, legislative caucus committee, or political action committee; or

(B) exceeds two hundred dollars ($200), in the case of a regular party committee;

and that is not otherwise reported, including the amount, date, and purpose of the expenditure.

(11) The total sum of expenditures made by the committee during the reporting period.

(12) The amount and nature of debts owed by or to the committee, and a continuous reporting of the debts after the election at the times required under this article until the debts are extinguished.

(c) If a committee:

(1) obtains a contribution;

(2) determines that the contribution should not be accepted by the committee; and

(3) does not receive and accept the contribution under IC 3-9-1-25(b);

the committee must return the contribution to the person who made the contribution. A returned contribution is not required to be listed on the report of the committee's treasurer. However, if the committee receives and deposits the contribution under IC 3-9-1-25(b) and subsequently determines that the contribution should be refunded, the receipt and refund of the contribution must be listed on the report of the committee's treasurer.

IC 3-9-5-15. Contributions and expenditures for candidate by other than candidate's committee.

(a) This section applies to an organization or a committee, other than the candidate's committee, that receives a contribution or makes an expenditure on behalf of a candidate.

(b) For purposes of this section, an expenditure is considered to be on behalf of a candidate if either of the following applies:

(1) The expenditure is made in support of the candidate who is specifically identifiable.

(2) The expenditure is made in opposition to an opponent:

(A) of the candidate; and

(B) who is specifically identifiable.

An expenditure is not considered to be made on behalf of a candidate if the expenditure is made to inform the members of the organization or for the development of the committee's political party.

(c) The treasurer of the committee shall report to the candidate's committee all information about a contribution received or an expenditure made on behalf of the candidate that the treasurer of the candidate's committee is required to report about the contribution or the expenditure if it had been received or made by the candidate's committee.

IC 3-9-5-16. Reports cumulative – Reports of no contributions or expenditures. (a) This subsection applies to a candidate's committee of a candidate whose name does not appear on the ballot at any time during a year and who is not a write-in candidate during that year. The reports required to be filed by this chapter are cumulative during the year. If no contributions or expenditures have been accepted or made during a year, the treasurer of the candidate's committee shall file a statement to that effect.

(b) This subsection applies to a political action committee or a regular party committee. If a committee has not received or made contributions or expenditures, the committee shall file a report under section 6 of this chapter stating that no contributions or expenditures have been received or made.

IC 3-9-5-17 *(Repealed by P.L.3-1993, SEC. 282.)*

IC 3-9-5-18. Candidate's statement. Each candidate shall file a statement that the candidate has turned over all contributions received by the candidate to the treasurer of the candidate's principal committee and that to the best of the candidate's knowledge and belief the reports of the candidate's committee are complete and accurate.

IC 3-9-5-19 *(Repealed by P.L.3-1995, SEC.157.)*

IC 3-9-5-20 *(Repealed by P.L.176-1999,SEC.134.)*

IC 3-9-5-20.1. Report of large contributions. (a) This section applies only to a large contribution that satisfies all of the following:

(1) The contribution is received by a candidate, the candidate's committee, or the treasurer of the candidate's committee.

(2) The contribution is received:

(A) not more than twenty-five (25) days before an election; and

(B) not less than forty-eight (48) hours before an election;

(b) As used in this section, "election" refers to any of the following:

(1) A primary election.

(2) A general election.

(3) A municipal election.

(4) A special election.

(5) For candidates nominated at a state convention, the state convention.

(c) As used in this section, "large contribution" means a contribution of at least one thousand dollars ($1,000).

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division or a county election board not later than forty-eight (48) hours after the contribution is received. A report filed under this section may be filed by facsimile (fax) transmission.

(e) A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The amount of the contribution.

(5) The date and time the contribution was received by the treasurer, the candidate, or the candidate's committee.
(f) The commission shall prescribe the form for the report required by this section.

IC 3-9-5-21.*(Repealed by P.L.176-1999,SEC.134.)*

IC 3-9-6 (Repealed by P.L.3-1995, SEC. 157.)
IC 3-9-7 Chapter 7. Miscellaneous Provisions

IC 3-9-7-1 *(Repealed by P.L.3-1995, SEC.157.)*
IC 3-9-7-2 *(Repealed by P.L.3-1997, SEC.476.)*
IC 3-9-7-3 *(Repealed by P.L.3-1997, SEC.476.)*

IC 3-14 Article 14. Offenses
IC 3-14-1 Chapter 1. Campaign Violations

IC 3-14-1-1. Declarations of candidacy – Certificates of nomination – Petitions of nomination. A person who knowingly:
(1) Falsely makes or fraudulently defaces or destroys a declaration of candidacy, request for ballot placement under IC 3-8-3, certificate or petition of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, or a part of the declaration, request, petition, or certificate;
(2) Files a declaration of candidacy, request for ballot placement under IC 3-8-3, certificate or petition of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, knowing any part thereof to be falsely made;
(3) Refuses to execute a certificate of nomination or candidate selection when required by this title to do so and knowing that the candidate has been nominated or selected;
(4) If the document is listed in subdivision (1), refuses to:
(A) Receive the document; or
(B) Record the date and time the document was received;
when presented in accordance with this title; or
(5) Suppresses a declaration of candidacy, request for ballot placement under IC 3-8-3, petition or certificate of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, that has been duly filed, or any part of the declaration, request, petition, or certificate;
commits a Class D felony.

IC 3-14-1-2. Slates. (a) A person who:
(1) prints, publishes, or distributes a slate during a primary election campaign without authority from and:
(A) over the name of an organization of voters, including the name of the organization and its officers; or
(B) if it is not an organized group of voters, over the names of at least ten (10) voters in the political subdivision in which the primary election is being held together with the name of the printer who printed the slate;
(2) prints on a slate during a primary election campaign the name or number of a candidate without the candidate's written consent; or
(3) prints, publishes, or distributes a slate during a primary election campaign unless at least five (5) days before it is printed and published the written consent of the voters over whose names it is published and the written consent of the candidates in whose behalf it is distributed are filed in the office of the county election board in each county where the election is held;
commits a Class A misdemeanor.
(b) As used in this section, "slate" means a sample ballot, reproduction of an official ballot, or a listing of candidates:

(1) having the names or numbers of more than one (1) candidate for nomination at a primary election; and

(2) that expresses support for more than one (1) of the candidates set forth on the ballot or list.

IC 3-14-1-3. Unendorsed material concerning candidates. An individual, an organization, or a committee that circulates or publishes material in an election without the statement required under IC 3-9-3-2.5 commits a Class A misdemeanor.

IC 3-14-1-4 *(Repealed by P.L.3-1997, SEC.475.)*
IC 3-14-1-5 *(Repealed by P.L.5-1989, SEC.120.)*

IC 3-14-1-6. Political activities by state police department employees, policemen or firefighters. (a) A state police department employee or a police officer or firefighter (including a special duty, auxiliary, or volunteer police officer or firefighter) of a political subdivision who recklessly:

(1) solicits votes or campaign funds;

(2) challenges voters; or

(3) performs any other election related function;

while wearing any identifying insignia or article of clothing that is part of an official uniform or while on duty commits a Class A misdemeanor.

(b) This section does not prohibit any of the following:

(1) a state police department civilian employee from voting while on duty.

(2) a police officer or firefighter from voting while wearing any part of an official uniform or while on duty.

(3) an individual described in subsection (a) from consenting to a photograph (or other visual depiction) of the individual wearing any part of the individual's official uniform appearing in an advertisement in support of a candidate or political party.

(4) an individual from serving as a pollbook holder under IC 3-6-6-36.

(5) A police officer wearing any identifying insignia or article of clothing that is part of an official uniform or while on duty from serving as an absentee ballot courier appointed under IC 3-11.5-4-22.

IC 3-14-1-7. Failure of committee to appoint treasurer. A committee subject to IC 3-9 or any of its members that recklessly collects, receives, keeps, or disburses money or other property to promote any activity to which IC 3-9 applies without appointing and maintaining a treasurer as required by IC 3-9-1 commits a Class B misdemeanor.

IC 3-14-1-8 *(Repealed by P.L.3-1995, SEC.157.)*

IC 3-14-1-9 *(Repealed by P.L.3-1995, SEC.157.)*

IC 3-14-1-10. Corporations and labor organizations exceeding contribution limits. A corporation or labor organization that recklessly exceeds any of the limitations on contributions prescribed by IC 3-9-2-4 commits a Class B misdemeanor.

IC 3-14-1-10.5.Acceptance of contributions exceeding amount permitted under IC 33-5-5.1-29.5. (a) A person who recklessly violates IC 33-5-5.1-29.5 by accepting contributions that exceed the amount permitted under that section commits a Class B misdemeanor.

(b) A person described by subsection (a) is also subject to a civil penalty under IC 3-9-4-17. The county election board may assess a penalty of not more than three (3) times the amount of the contribution that exceeds the limit prescribed by IC 33-5-5.1-29.5, plus any investigative costs incurred and documented by the board.

IC 3-14-1-11. Persons making or receiving contributions in another's name. A person who:
(1) Recklessly makes a contribution in the name of another person; or
(2) Knowingly accepts a contribution made by one person in the name of another person;
commits a Class B misdemeanor.

IC 3-14-1-12 *Repealed by P.L.3-1995, SEC.157.)*

IC 3-14-1-13. Filing fraudulent report under IC 3-9. A person who knowingly files a report required by IC 3-9 that is fraudulent commits a Class D felony.

IC 3-14-1-14. Failure to report campaign receipts and expenditures. A person who fails to file a report with the proper office as required by IC 3-9 commits a Class B misdemeanor.

IC 3-14-1-14.5.Commingling of funds – Penalty. A person who recklessly violates IC 3-9-2-9(c) by commingling the funds of a committee with the personal funds of an officer, a member, or an associate of the committee commits a Class B misdemeanor.

IC 3-14-1-15 *(Repealed by P.L.3-1995, SEC.157.)*

IC 3-14-1-16. Wrongful use of campaign contributions. A person who knowingly or intentionally violates IC 3-9-3-4 commits a Class A infraction.

IC 3-14-5 Chapter 5. Enforcement Provisions

IC 3-14-5-3. Reports by election boards of violations. (a) This section does not apply to a violation of NVRA or IC 3-7 (after December 31, 1994).
(b) The commission and each county election board shall report a violation of this title as a felony or misdemeanor to the appropriate prosecuting attorney and the alleged violator.
(c) The commission and boards may have the report transmitted and presented to the grand jury of the county in which the violation was committed at its first session after making the report and at subsequent sessions that may be required. The commission and boards shall furnish the grand jury any evidence at their command necessary in the investigation and prosecution of the violation.

IC 3-14-5-4. Prosecutions by circuit prosecuting attorney. In addition to the duties prescribed by IC 33-14, the prosecuting attorney of each circuit shall prosecute each resident of the circuit who the prosecutor believes has violated IC 3-14-1-7, IC 3-14-1-10, IC 3-14-1-13, IC 3-14-1-14, or IC 3-14-1-14.5 in any circuit of the state.

IC 3-14-5-6. Witness' privilege against self-incrimination unavailable. In a criminal prosecution for violation of IC 3-14-1-7, IC 3-14-1-10, IC 3-14-1-13, IC 3-14-1-14, or IC 3-14-1-14.5, a witness, except the person who is accused and on trial, may not be excused from answering a question or producing a book, paper, or other thing on the ground that the witness' answer or the thing to be produced may tend to incriminate the witness or render the witness liable to a penalty. However, the witness' answer or the thing produced by the witness may not be used in a proceeding against the witness, except in a prosecution for perjury in so testifying.

TITLE 4 STATE OFFICES AND ADMINSTRATION

IC 4-23-7 Chapter 7. Indiana Library and Historical Department

IC 4-23-7-3.5. Political contribution solicitation and required political activity prohibited. No member of the library and historical board nor any director or other employee of the department shall directly or indirectly solicit subscription or contribution for any political party or political purpose, or be forced in any way to make such contribution, or be required to participate in any form of political activity.

IC 4-23-7.1 Chapter 7.1 State Library

IC 4-23-7.1-38.Employees – Compensation of director. (a) All state library employees, except the director, shall be selected by the director with the approval of the board and may be removed by the director for cause at any time with the approval of the board.
(b) In making selections for employment recognition shall be given to the fact that all certified librarians are under the Library Certification Act and that other staff personnel are under IC 4-15-2.
(c) Any or all of the state library employees must have had such academic preparation and special training for the work which they are required to perform as may be prescribed in rules promulgated by the board.
(d) The board may provide that appointments may be made only after the applicant has successfully passed an examination given by the board or some person designated by the board.
(e) No employee of the state library may directly or indirectly solicit subscription or contribution for any political party or political purpose, or be forced in any way to make such contribution, or be required to participate in any form of political activity.
(f) The state budget agency shall fix the compensation of the director. The director shall fix the compensation of the employees of the state library with the approval of the board and the state budget agency.

IC 4-23-7.2 Chapter 7.2 Historical Bureau

IC 4-23-7.2-17. Employees – Compensation of director. (a) All historical bureau employees, except the director, shall be selected by the director with the approval of the board and may be removed by the director for cause at any time with the approval of the board.
(b) Any or all of the historical bureau employees must have had such academic preparation and special training for the work which they are required to perform as may be prescribed in rules promulgated by the board.
(c) The board may provide that appointments may be made only after the applicant has successfully passed an examination given by the board or some person designated by the board.
(d) The state budget agency shall fix the compensation of the director. The director shall fix the compensation of the employees of the historical bureau, with the approval of the board and the state budget agency.
(e) No employee of the historical bureau may directly or indirectly solicit subscription or contribution for any political party or political purpose, or be forced in any way to make such contribution, or be required to participate in any form of political activity.
(f) All historical bureau employees are under IC 4-15-2.

IC 4-30 Article 30. Indiana State Lottery

IC 4-30-3 Chapter 3. Creation, Powers, and Duties of the Commission

IC 4-30-3-19.5.Political contributions from contractors – State candidates – Penalty. (a) This section applies only to contributions made after March 28, 1996.
(b) The definitions set forth in IC 3-5-2 apply to this section.
(c) As used in this section, "candidate" refers only to a candidate for a state office.
(d) As used in this section, "committee" refers to any of the following:
(1) A candidate's committee.
(2) A regular party committee.
(3) A committee organized by a legislative caucus of the house of the general assembly.
(4) A committee organized by a legislative caucus of the senate of the general assembly.
(e) As used in this section, "contract" refers only to a contract with the commission or the director for any of the following:
(1) A major procurement.
(2) Auditing services to the commission.
(f) As used in this section, "contractor" means a person who has a contract with the commission or the director.
(g) As used in this section, "officer" refers only to either of the following:
(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
(2) An individual who is a successor to an individual described in subdivision (1).
(h) A person is considered to have made a contribution under this section if a contribution is made by any of the following:
(1) The person.
(2) An officer of the person.
(3) A political action committee of the person.
(i) A person may not enter into a contract if the person has made a contribution to a candidate or a committee within the three (3) years preceding the award of the contract.
(j) A contractor, an officer of a contractor, or a political action committee of a contractor may not make a contribution to a candidate or a committee while the contract is in effect and during the three (3) years following the final expiration or termination of the contract.
(k) A person who knowingly or intentionally violates this section commits a Class D felony.

IC 4-31 Article 31. Pari-Mutuel Wagering on Horse Races

IC 4-31-13 Chapter 13. Offenses and Enforcement

IC 4-31-13-3.5. Political contributions by permit holders – Penalty. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.
(b) This section applies only to contributions made after June 30, 1996.
(c) As used in this section, "candidate" refers to any of the following:
(1) A candidate for a state office.
(2) A candidate for a legislative office.
(3) A candidate for a local office.
(d) As used in this section, "committee" refers to any of the following:
(1) A candidate's committee.
(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.
(4) A committee organized by a legislative caucus of the senate of the general assembly.
(e) As used in this section, "officer" refers only to either of the following:
(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
(2) An individual who is a successor to an individual described in subdivision (1).
(f) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:
(1) The person holds at least a one percent (1%) interest in the permit holder.
(2) The person is an officer of the permit holder.
(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.
(4) The person is a political action committee of the permit holder.
(g) For purposes of this section, a permit holder is considered to have made a contribution if a contribution is made by a person who has an interest in the permit holder.
(h) A permit holder or a person with an interest in a permit holder may not make a contribution to a candidate or a committee during the following periods:
(1) The term during which the permit holder holds a permit.
(2) The three (3) years following the final expiration or termination of the permit holder's permit.
(i) A person who knowingly or intentionally violates this section commits a Class D felony.

IC 4-33 Article 33. Riverboat Gambling

IC 4-33-2 Chapter 2. Definitions

IC 4-33-2-12. Licensee. Except as provided in IC 4-33-10-2.1, "licensee" means a person holding a license issued under this article.

IC 4-33-10 Chapter 10. Crimes and Penalties

IC 4-33-10-2.1.Political contributions by licensees – Penalty. (a) This section applies only to contributions made after June 30, 1996.
(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.
(c) As used in this section, "candidate" refers to any of the following:
(1) A candidate for a state office.
(2) A candidate for a legislative office.
(3) a candidate for a local office.
(d) As used in this section, "committee" refers to any of the following:
(1) A candidate's committee.
(2) A regular party committee.
(3) A committee organized by a legislative caucus of the house of the general assembly.
(4) A committee organized by a legislative caucus of the senate of the general assembly.
(e) As used in this section, "license" means:
(1) an owner's license issued under this article; or
(2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment.
(f) As used in this section, "licensee" means a person who holds a license.
(g) As used in this section, "officer" refers only to either of the following:
(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
(2) An individual who is a successor to an individual described in subdivision (1).

(h) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the licensee.

(2) The person is an officer of the licensee.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.

(4) The person is a political action committee of the licensee.

(i) A licensee is considered to have made a contribution if a contribution is made by a person who has an interest in the licensee.

(j) A licensee or a person who has an interest in a licensee may not make a contribution to a candidate or a committee during the following periods:

(1) The term during which the licensee holds a license.
(2) The three (3) years following the final expiration or termination of the licensee's license.
(k) A person who knowingly or intentionally violates this section commits a Class D felony.

TITLE 8. UTILITIES AND TRANSPORTATION

IC 8-1-2 Chapter 2. Regulation of Carriers Generally

IC 8-1-2-102. Franks and privileges prohibited – Penalty. (a) The definitions set forth in IC 3-5-2 apply to this section.
(b) No public utility, or any agent or officer thereof, or any agent or officer of a political subdivision constituting a public utility, as defined in this chapter, may offer or give, for any purpose, to any campaign finance committee or any member or employee thereof, candidate for, or incumbent of, any office or position under the constitution or laws of Indiana, or under any political subdivision or to any person, at the request, or for the advantage of, any of them, any frank, privilege, or property withheld from any person for any product or service produced, transmitted, delivered, furnished, or rendered, or to be produced, transmitted, delivered, furnished, or rendered by an public utility or any free product or service.
(c) No campaign finance committee, or member or employee thereof, or candidate for or incumbent of any office or position under the constitution or laws of Indiana or under any political subdivision may ask for or accept from any public utility, or any agent or officer thereof, or any agent or officer of any political subdivision constituting a public utility, as defined in this chapter, or use, in any matter or for any purpose, any frank or privilege withheld from any person for any product or service produced, transmitted, delivered, furnished, or rendered, or to be produced, transmitted, delivered, furnished, or rendered by any public utility.
(d) A person who knowingly violates this section commits a Class D felony.
(e) This chapter does not:
(1) prevent any public utility, carrier, or agent or officer thereof, from furnishing free or reduced service or transportation to any bona fide employee or officer thereof;
(2) prohibit any carrier from carrying free, or at reduced rates, agricultural experiment and demonstration cars or trains and the lecturers and necessary demonstrators accompanying such trains or cars; or
(3) prohibit any carrier from carrying free, or at reduced rates, its furloughed, pensioned, or superannuated employees, persons who have become disabled or infirm in its service, the remains of any person killed in its service, or the unremarried surviving spouses and dependent children under eighteen (18) years of age of person who died in its service.

IC 8-23-2-3. Employees. (a) The department may hire qualified individuals to carry out its responsibilities subject to the budget agency's approval under IC 4-12-1-13 and may prescribe their terms and conditions of employment subject to this section.

(b) All employees of the department whose duties require specialized knowledge or skill, acquired by professional or technical education, training, and experience:

(1) shall be employed solely on the basis of ability, taking into account their qualifications to perform the duties of their positions;

(2) shall be employed regardless of political affiliation;

(3) may not be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of their political affiliation, race, religion, color, sex, national origin, or ancestry;

(4) are ineligible to hold, or be a candidate for, elected office (as defined in IC 3-5-2-17) while employed by the department, except as provided in subsection (h);

(5) may not solicit or receive political contributions;

(6) may not be required to make contributions for or participate in political activities;

(7) shall be employed on a six (6) month probationary period, with a written evaluation prepared after five (5) months of service by their immediate supervisor for the commissioner to determine if employment should continue beyond the probationary period; and

(8) shall be evaluated annually in writing by their immediate supervisor for the purpose of advising the commissioner as to whether the employees should remain in their positions.

(c) Highway district managers are and subdistrict superintendents are not subject to subsection (b). A person may not be employed by the department as a highway superintendent unless the person has received training or experience in maintaining or constructing roads, highways, and bridges. Highway subdistrict superintendents shall devote full time to the performance of their duties. Highway district managers serve at the pleasure of the commissioner but upon reassignment shall be retained ina position of equal or higher job classification within the department. However, the employee may elect to serve in the next lower job classification within the same district.

(d) The appointment or dismissal of the chief highway engineer for department is at the discretion of the commissioner. The chief highway engineer must be a registered professional engineer and must be a graduate civil engineer or have at least ten (10) years of experience in highway engineering.

(e) All employees of the department are subject to IC 4-15-1.8 and the rules that implement IC 4-15-1.8.

(f) Subject to this section:

(1) all employees of the department are subject to demotion, discipline, dismissal, or transfer at the discretion of the commissioner; and

(2) cause for demotion, dismissal, discipline, or transfer may include but is not limited to failure to satisfactorily effectuate the department's transportation plan and work programs.

(g) The commissioner may:

(1) require an employee or agent of the department to execute and furnish a bond conditioned upon the faithful discharge and performance of the duties of the employee or agent and the accurate accounting of public funds that come into the employee's or agent's control or custody; and

(2) prescribe an oath of employment for an employee or agent of the department.

(h) Employees described in subsection (b) may:

(1) be candidates for:

(A) school board office (as defined in IC 3-5-2-45); or

(B) precinct committeeman or state convention delegate;

and serve in that office if elected; and

(2) be appointed to an office described in subdivision (1) and serve in that office if appointed.

TITLE 14 NATURAL AND CULTURAL RESOURCES

IC 14-9-7 Chapter 7. Employees of Department

IC 14-9-7-1. Qualifications of employees. (a) Because the functions and duties of the department are largely technical in nature and require specialized knowledge, training, and experience for proper performance, the employees of the department designated by the state personnel department as professional or technical shall, except as otherwise expressly provided in this article, be employed solely on the basis of the qualifications of the employees to perform the required duties. Political, religious, racial, and fraternal affiliations may not be a consideration in personnel actions affecting the employees.
(b) Adequate provisions shall be made to assure that employees selected possess the knowledge and ability and can satisfy the minimum education and experience requirements as defined in the class specifications for the positions.
(c) An employee under this policy may not:
(1) hold political office while employed by the department;
(2) solicit or receive money for political purposes; or
(3) be required to make contributions for or participate in political activities.
(d) An applicant for a position may not be required to declare a political, religious, racial, or fraternal affiliation.

IC 14-10-3 Chapter 3. Employment of Property Managers

IC 14-10-3-10. Prohibited activities. An individual employed under this chapter may not:
(1) be required to declare the individual's political, religious, or fraternal affiliations;
(2) solicit or receive money for political purposes; or
(3) participate in any other political activity.

TITLE 33. COURTS AND COURT OFFICERS

IC 33-5 Article 5. Superior Courts

IC 33-5-5.1 Chapter 5.1 Allen Superior Court

IC 33-5-5.1-29.5. Contributions toward expenses of candidacy. (a) As used in this section:
(1) "contribution" has the meaning given in IC 3-5-2-15;
(2) "political action committee" has the meaning given in IC 3-5-2-37; and
(3) "regular party committee" has the meaning given in IC 3-5-2-42.
(b) No judge or candidate for judge of the Allen superior court may:
(1) accept a contribution from any political party, political action committee, or regular party committee; or
(2) accept more than a total of ten thousand dollars ($10,000) in contributions from all sources to pay expenses connected with his candidacy.

IC 33-5-29.5 Chapter 29.5. Lake Superior Court

IC 33-5-29.5-43(c). Conditions of office of judge. A political party shall not directly or indirectly campaign for or against a judge subject to retention or rejection under this chapter.

Appendix

Advisory Opinion 2001-01
Indiana Election Commission
An Order Issuing an Advisory Opinion Concerning Expenditures Permitted under Indiana Code 3-9-3-4 Regarding the Payment of Salaries or Reimbursement of Lost Wages and Expenses to Candidates By a Candidate's Committee

WHEREAS, pursuant to Indiana Code 3-6-4.1-14, the Indiana Election Commission is required to administer the election laws of the State of Indiana;

WHEREAS, pursuant to Indiana Code 3-6-4.1-25, the Commission is authorized to issue advisory opinions;

WHEREAS, the Commission on September 30, 1999 issued Advisory Opinion 1999-01 in response to a compliant filed against a candidate's committee regarding the committee's reimbursement of a candidate for lost wages documented by that candidate;

WHEREAS, the Commission has been advised that the Federal Election Commission has addressed related issues in a series of advisory opinions issued by that body, but that the FEC has been unable to reach consensus regarding the application of federal law to all such circumstances;

WHEREAS, the Commission has determined that the issuance of an Advisory Opinion to clarify the application of this statute to Indiana candidates and committees would be beneficial, pending legislative action to address Indiana Code 3-9-3-4;

WHEREAS, the Commission has determined that the Election Division should advise county election boards in accordance with Indiana Code 3-6-4.1-14(a)(4) regarding this matter;

NOW, THEREFORE, THE INDIANA ELECTION COMMISSION ISSUES THE FOLLOWING ADVISORY OPINION:

SECTION 1. This Advisory Opinion applies to a candidate's committee.

SECTION 2. Indiana Code 3-9-3-4(b), which provides that money received by a candidate as a contribution may not be used for primarily personal purposes by a candidate, does not prohibit the following actions if done in accordance with this Advisory Opinion:

(1) The payment of a salary to the candidate.
(2) The reimbursement of a candidate for lost wages.

SECTION 3. A candidate and a candidate's committee may execute a written contract providing that the committee will pay a salary to the candidate or a member of a candidate's household. The contract must:

(1) state the obligations of the candidate and the committee regarding the services to be rendered by the candidate or other individual;

(2) state the basis for computation of the compensation for the candidate's or individual's services, meaning an hourly, daily, monthly, or other basis for the computation; and

(3) be filed with each office in which the committee is required to file a report of receipts and expenditures (CFA-4 form) before any payment is made under the contract.

SECTION 4. A candidate and a candidate's committee may execute a written contract providing that the committee will reimburse the candidate for lost wages or salary payments from other employment incurred by the candidate as a result of services provided to the committee. The contract must:

(1) state the employer and job position of the candidate subject to the reimbursement for lost wages or salary payments.

(2) state the basis for computation of the candidate's lost wages or salary payments, including the hourly, daily, monthly, or other basis for the computation.

(3) be filed with each office in which the committee is required to file a report of receipts and expenditures (CFA-4 form) before any payment is made under the contract.

SECTION 5. No reimbursement made under SECTION 4 may exceed the actual wages or salaries that would have been earned by the candidate in the candidate's regular employment.

SECTION 6. A candidate and a candidate's committee may not pay a salary or reimbursement in an amount that exceeds the amount specified under the contract unless the candidate first files a written amendment to the contract permitting the additional payment. The written amendment must be filed in the same office in which the original contract was filed.

SECTION 7. In providing advice and instruction to candidates, political parties, county election boards, and other interested persons regarding the issues set forth in this Order, the Election Division shall refer to SECTIONS 1 through 4 of this Order and advise candidates, political parties, county election boards, and other interested persons to proceed accordingly until the matter is addressed by the Indiana General Assembly.

SECTION 8. The Commission respectfully recommends to the Indiana General Assembly that the policy set forth in this Advisory Opinion be codified by enacting appropriate remedial legislation.

SECTION 9. The Commission directs the Election Division to promptly forward a copy of this Advisory Opinion to each county election board, and to the State Chairs of the Democratic, Libertarian, and Republican Party of Indiana.

ISSUED THE 27TH DAY OF SEPTEMBER, 2001,

BY THE INDIANA ELECTION COMMISSION:

Dudley Cruea, Chairman	S. Anthony Long, Vice Chairman
Butch Morgan, Chairman	Joseph M. Perkins, Jr., Chairman