



# INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA SECRETARY OF STATE (SOS)  
TITLE: SOS Use of Name or Likeness  
CASE ID: 2018-10-0296  
DATE: January 24, 2019

*Inspector General Staff Attorney, Heidi Adair, after an investigation by Inspector General Special Agent Chuck Coffin, reports as follows:*

The Indiana General Assembly charged the Office of Inspector General (OIG) with addressing fraud, waste, abuse, and wrongdoing in the executive branch of state government. IC 4-2-7-2(b). The OIG also investigates criminal activity and ethics violations by state officers, employees, and special state appointees. IC 4-2-7-3.

On October 30, 2018, the OIG received a complaint alleging that the Indiana Secretary of State's (SOS) Office was violating IC 4-2-6-15 by running radio and social media advertisements that included SOS Connie Lawson's name. IC 4-2-6-15 (d) provides that "a state officer may not use the state officer's name or likeness in a communication paid for entirely or in part with appropriations made by the general assembly, regardless of the source of the money." Pursuant to subsection (a) of the statute, the prohibition does not apply if the state officer has "a compelling public policy reason" for the communication and if she receives approval for the expenditure from the State Budget Committee (Committee).

OIG Special Agent Chuck Coffin conducted an investigation into the complaint. During the course of the investigation, Special Agent Coffin obtained and reviewed several documents from the SOS Office and State Budget Agency. He also communicated with representatives of the SOS Office, State Budget Agency, and the individual that reported the issue to the OIG.

Special Agent Coffin learned that SOS Lawson appeared before the State Budget Committee (Committee) at its December 18, 2017 meeting to request approval to appear/participate in certain social media videos created by the SOS Office. The documents Special Agent Coffin obtained from the State Budget Agency and from the SOS Office included: the December 2017 Committee agenda and approved minutes, a video recording of the entire Committee meeting including Lawson's presentation, and the written request and testimony that Lawson provided to the Committee. Special Agent Coffin found that although IC 4-2-6-15 does not explicitly address a state officer's use of social media communications<sup>1</sup>, as a cautionary measure, SOS Lawson requested Committee approval to participate in social media videos that would educate Hoosiers about changing policies, upcoming deadlines, and official activities.

At the Committee meeting, SOS Lawson presented public policy reasons for using her name or likeness in social media videos. Some of the reasons she offered were to educate Hoosiers about issues such as potential voter scams, new features on Indiana's business one-stop portal (INBiz), and approaching deadlines such as policy changes in the new Notary law. According to State Budget Agency staff, the Committee approved her request to use her name and likeness in social media videos. Her request is documented in the December 18, 2017 Committee meeting minutes, which the Committee approved at a later date. The Budget Director, on behalf of the State Budget Agency, approved the Committee's actions by signing the minutes.

Through interviewing SOS staff and obtaining additional documentation, Special Agent Coffin learned that IC 3-6-3.7-4 established a voter education fund for the purpose of receiving, holding, and disbursing funds for education and outreach to Indiana citizens concerning voter rights and responsibilities, including voter identification requirements. The General Assembly

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<sup>1</sup> IC 4-2-6-15(c) provides that "communication" refers to an audio, video, or print communication in a newspaper. It does not specifically address social media communications.

directed the SOS Office to administer these funds. In order to comply with this statute, the SOS Office used a portion of these funds to contract with Hirons and Company, Inc. (Hirons) to aid the SOS in dissemination of radio, television/cable, newspaper, and digital communications. Special Agent Coffin reviewed the SOS/Hirons contract along with numerous records contained in the Hirons' Voter Education 2018 Media Recap. He also reviewed the communications that the individual who submitted the complaint to the OIG claimed violated IC 4-2-6-15.

Although the SOS Office disseminated communications that utilized state monies through the voter outreach fund, Special Agent Coffin found that SOS Lawson sought approval by the Budget Committee and State Budget Agency for these communications. She also presented a compelling public policy reason for these communications. As a result, Special Agent Coffin found insufficient evidence to substantiate allegations that SOS Lawson or the SOS Office violated IC 4-2-6-15, and the OIG is closing this case for insufficient cause.

Dated: January 24, 2019

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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Lori Torres, Inspector General