

INDIANA
STATE ETHICS COMMISSION

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Policy Memorandum: State Ethics Commission Electronic Meetings Policy

Date: February 12, 2026

By: Regan Perrodin, State Ethics Director

Purpose:

The Indiana State Ethics Commission (the “Commission”) Electronic Meetings Policy (the “Policy”) is intended to comply with all relevant law and provide the framework for participation in and the conduct of public meetings where means of electronic communication are used by members of the Commission or other individuals not physically in attendance.

The Commission has had the ability to utilize telephone conference calls, speaker phone, and other communications technology to conduct Commission business when necessary due to emergency situations. *See 40 IAC 2-5-3 Meetings by telephone and other communications media technology.* In April 2017, the Commission established a policy regarding electronic meetings in response to a 2012 statutory change (Ind. Code § 5-14-1.5-3.6 Electronic communications by certain government bodies). This statute authorizes members of the governing body of a public agency to participate in meetings of the governing body by means of electronic communication. The statute authorizes such electronic participation if, (1) the meeting complies with all other requirements of the Indiana Open Door Law and (2) a majority of the governing body adopts a policy regarding the use of electronic communication to participate in a meeting.

Since the adoption of the 2017 policy, the statutory requirements have changed. Specifically, in July 2025, additional requirements in Indiana’s Open Door Law statute took effect. In addition to other changes, the Commission must now livestream its public meetings. *See Ind. Code § 5-14-1.5-2.9.* Due to this change, the Commission is updating its Policy to better reflect the statutory requirements and the available technology.

Policy:

Physical attendance of Commissioners is always preferable to participation by electronic means of communication; however, the Commission acknowledges there are circumstances under which physical attendance is not possible or is impractical. This policy will address those times in which physical attendance is overly burdensome or not possible.

- I. **Minimum Physical Participation.** At any meeting of the Commission, at least two (2) commissioners must be physically present at the place where the meeting is conducted.
- II. **Treatment of Members Participating by Electronic Means.** A commissioner who participates in a meeting by a permitted electronic means of

communications:

- A. Shall be counted as present at the meeting; and
 - B. May vote at the meeting.
- III. **Quorum.** The commission must still have a quorum, which equates to at least three (3) commissioners in order to transact business of the commission. A commissioner who participated in a meeting by a permitted electronic means of communication shall be counted for purposes of establishing a quorum.
- IV. **Permitted Means of Communication.** A commissioner not physically present at a meeting may participate in the meeting by any electronic means of communication, so long as the electronic communication permits:
- A. The member;
 - B. All other members participating in the meetings; and
 - C. All members of the public physically present at the place where the meeting is conducted to simultaneously communicate with each other.
- V. **Roll Call Voting.** All votes of the Commission during a meeting where any member participates by means of electronic communication shall be taken by a roll call vote, in which the name of each member of the Commission will be called individually and requested to cast their vote aloud.
- VI. **Limitations.**
- A. **Prohibition on the use of electronic communication for public hearings.** The Commission is prohibited from conducting a hearing on an ethics complaint using electronic communication under Ind. Code § 4-2-6-4.3. Accordingly, all commissioners participating in the hearing must be physically present.
 - B. **Default.** All commissioners should attempt to attend all meetings in person and should only attend remotely when necessary.
 - C. **Notice of intent to participate by electronic means.** A commissioner intending to participate by electronic means in a meeting of the Commission shall provide notice of such intent at their earliest convenience, to the State Ethics Director prior to the time of the Commission meeting.
- VII. **Electronic Participation by Individuals Appearing Before the Commission**
- A. **Preference.** As with Commission members, physical attendance by individuals appearing before the Commission is always preferable, but the Commission recognizes there may be extenuating circumstances making a physical appearance impossible, impracticable, or overly burdensome.
 - B. **Notice.** An individual wishing to appear before the Commission remotely due to being unable to appear remotely should notify the State Ethics Director personally or via info@ig.in.gov; their agency Ethics Officer may provide notice on the individual's behalf. This notice must be provided prior to the

Commission meeting as soon as the individual becomes aware that in person attendance will not be possible.

Legal References: Ind. Code § 5-14-1.5-2.9; Ind. Code § 5-14-1.5-3.6; 40 IAC 2-5-3; Ind. Code § 4-2-6-4.3

Effective Date: This Policy shall be in effect immediately upon approval by the Commission and all other policies are rescinded to the extent those policies conflict with this Policy.

Ending Date: This Policy will end upon rescission by vote of the Commission or by approval of a new, conflicting policy.

Approval: This Policy was approved by vote of the Commission members present at the meeting held on February 12, 2026.



Katherine Noel, Chair, State Ethics Commission

2-12-26

Date