IC 3-9

ARTICLE 9. CAMPAIGNS

IC 3-9-1

Chapter 1. Campaign Committees

IC 3-9-1-1

Application of chapter

Sec. 1. (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) 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.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.139; P.L.4-1991, SEC.44; P.L.3-1993, SEC.81; P.L.3-1995, SEC.63; P.L.3-1997, SEC.169; P.L.26-2000, SEC.8.

IC 3-9-1-1.5

Deadline for filing statement of organization; determination of existence of regular party committee

Sec. 1.5. (a) This section does not apply to a national committee of a political party.

(b) For purposes of determining the deadline for filing a statement of organization under section 3 of this chapter, a committee becomes a regular party committee when the committee accepts contributions or makes expenditures during a calendar year:

(1) to influence the election of a candidate for state, legislative, or local office; and
(2) that total more than one hundred dollars ($100).

As added by P.L.9-2004, SEC.12. Amended by P.L.164-2006, SEC.60.

IC 3-9-1-2

Chairman and treasurer

Sec. 2. 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.

As added by P.L.5-1986, SEC.5.

IC 3-9-1-3

Statement of organization; filing

Sec. 3. Each committee must file a statement of organization not later than noon ten (10) days after it becomes a committee.

As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.62; P.L.2-1996, SEC.93; P.L.3-1997, SEC.170; P.L.126-2002, SEC.32.

IC 3-9-1-4
Statement of organization; content

Sec. 4. 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).

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1993, SEC.82; P.L.3-1997, SEC.171; P.L.176-1999, SEC.37.

IC 3-9-1-5
Principal committee; designation by written instrument

Sec. 5. (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.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.140; P.L.10-1988, SEC.63; P.L.8-1992, SEC.6; P.L.3-1995, SEC.64; P.L.26-2000, SEC.9; P.L.199-2001, SEC.16.

IC 3-9-1-5.5
Principal committee; candidates for school board or certain local offices; designation by written instrument

Sec. 5.5. (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.

As added by P.L.26-2000, SEC.10.

IC 3-9-1-6

Failure to file written instrument; designation of committee

Sec. 6. 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.

As added by P.L.5-1986, SEC.5. Amended by P.L.26-2000, SEC.11.

IC 3-9-1-7

Candidate as chairman or treasurer

Sec. 7. A candidate may be chairman, treasurer, or both chairman and treasurer of the candidate's committee.

As added by P.L.5-1986, SEC.5.

IC 3-9-1-8

Candidate as ex officio member

Sec. 8. A candidate is an ex officio member of the candidate's committee.

As added by P.L.5-1986, SEC.5.

IC 3-9-1-9

Repealed

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

IC 3-9-1-10

Report of change in information

Sec. 10. A committee shall report any change in information previously submitted in a statement of organization within ten (10) days following the change.

As added by P.L.5-1986, SEC.5.

IC 3-9-1-11

Repealed

(*Repealed by P.L.4-1991, SEC.147.)*

IC 3-9-1-12

Dissolution of committee

Sec. 12. (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 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) Contributors 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.

As added by P.L.5-1986, SEC.5. Amended by P.L.13-1987, SEC.1; P.L.8-1992, SEC.7; P.L.3-1993, SEC.83; P.L.2-1996, SEC.94; P.L.3-1997, SEC.172; P.L.176-1999, SEC.38; P.L.126-2002, SEC.33.

IC 3-9-1-13

Treasurer of committee; qualifications

Sec. 13. 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 of this chapter;
(3) must be appointed treasurer in writing as required by section 14 of this chapter; and
(4) must file the written instrument of appointment as required by section 15 of this chapter.
As added by P.L.5-1986, SEC.5. Amended by P.L.8-1992, SEC.8.

IC 3-9-1-14
Appointment or designation of treasurer
Sec. 14. The chairman of a committee shall appoint or designate the treasurer of the committee in a written instrument.
As added by P.L.5-1986, SEC.5. Amended by P.L.3-1995, SEC.65.

IC 3-9-1-15
Filing notice of appointment or designation
Sec. 15. 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.
As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.141; P.L.10-1988, SEC.64; P.L.2-1996, SEC.95; P.L.3-1997, SEC.173.

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

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

IC 3-9-1-18
Treasurer serving on more than one committee
Sec. 18. A treasurer of one committee may be the treasurer of

another committee unless the treasurer is a candidate.
As added by P.L.5-1986, SEC.5.

IC 3-9-1-19
Removal of chairman or treasurer
Sec. 19. (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.
As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.65; P.L.4-1991, SEC.46; P.L.3-1993, SEC.84.

IC 3-9-1-20
All money or property to be handled by treasurer
Sec. 20. 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.
As added by P.L.5-1986, SEC.5.

IC 3-9-1-21
Expenditure or disbursement of money; approval of committee
Sec. 21. 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.
As added by P.L.5-1986, SEC.5.

IC 3-9-1-22
Vouchers for disbursements
Sec. 22. 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.
As added by P.L.5-1986, SEC.5.

IC 3-9-1-23
Accounts and records
Sec. 23. The treasurer of a committee shall keep a detailed and exact account of the information required to be reported under this article.
As added by P.L.5-1986, SEC.5. Amended by P.L.3-1997, SEC.174.

IC 3-9-1-24
Preservation of receipted bills and checks
Sec. 24. (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 exceeds 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.
As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.142.

IC 3-9-1-25
Solicitation and receipt of contributions by member
Sec. 25. (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).
As added by P.L.5-1986, SEC.5. Amended by P.L.176-1999, SEC.39.

IC 3-9-1-25.5
Calendar year in which contribution made
Sec. 25.5. 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.
As added by P.L.176-1999, SEC.40.

IC 3-9-1-26
Other persons receiving or disbursing funds; requirements and obligations

Sec. 26. 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.
As added by P.L.5-1986, SEC.5.