
SENATE BILL No. 311

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-9-1.

Synopsis: Disbanding a candidate's committee. Specifies the process for disbanding a candidate's committee upon the death of the individual for whom the committee was organized. Requires a candidate's committee to disband not later than 180 days after the individual's death.

Effective: July 1, 2005.

Antich-Carr

January 6, 2005, read first time and referred to Committee on Elections and Civic Affairs.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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SENATE BILL No. 311



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) **Except as provided by**
- 3 **section 12.5 of this chapter**, a committee may disband at any time in
- 4 the manner prescribed by this section.
- 5 (b) The commission or a county election board may administratively
- 6 disband a committee in the manner prescribed by this section.
- 7 (c) The commission has exclusive jurisdiction to disband any of the
- 8 following:
- 9 (1) A candidate's committee for state office.
- 10 (2) A candidate's committee for legislative office.
- 11 (3) A legislative caucus committee.
- 12 (4) A political action committee that has filed a statement or
- 13 report with the election division.
- 14 (5) A regular party committee that has filed a statement or report
- 15 with the election division.
- 16 (d) A county election board has exclusive jurisdiction to disband
- 17 any of the following:



- 1 (1) A candidate's committee for a local office.
- 2 (2) A candidate's committee for a school board office.
- 3 (3) A political action committee that has filed a statement or
- 4 report with the election board, unless the political action
- 5 committee has also filed a report with the election division.
- 6 (4) A regular party committee that has filed a statement or report
- 7 with the election board, unless the regular party committee has
- 8 also filed a report with the election division.
- 9 (e) The commission or a county election board may administratively
- 10 disband a committee in the following manner:
- 11 (1) Not later than the last Friday of January of each year, the
- 12 election division or county election board shall review the list of
- 13 committees that have filed statements of organization with the
- 14 division or board under this article.
- 15 (2) If the election division or county election board determines
- 16 both of the following, the election division or county election
- 17 board may begin a proceeding before the commission or board to
- 18 administratively disband the committee:
- 19 (A) The committee has not filed any report of expenditures
- 20 during the previous three (3) calendar years.
- 21 (B) The committee last reported cash on hand in an amount
- 22 that does not exceed one thousand dollars (\$1,000), if the
- 23 committee filed a report under this article.
- 24 (3) The election division or county election board shall provide
- 25 notice of the proceeding by certified mail to the last known
- 26 address of the chairman and treasurer of the committee.
- 27 (4) The commission or board may issue an order administratively
- 28 dissolving the committee and waiving any outstanding civil
- 29 penalty previously imposed by the commission or board, if the
- 30 commission or board makes the following findings:
- 31 (A) There is no evidence that the committee continues to
- 32 receive contributions, make expenditures, or otherwise
- 33 function as a committee.
- 34 (B) The prudent use of public resources makes further efforts
- 35 to collect any outstanding civil penalty imposed against the
- 36 committee wasteful or unjust.
- 37 (C) According to the best evidence available to the
- 38 commission or board, the dissolution of the committee will not
- 39 impair any contract or impede the collection of a debt or
- 40 judgment by any person.
- 41 (5) The election division shall arrange for the publication in the
- 42 Indiana Register of an order administratively disbanding a

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1 committee. A county election board shall publish a notice under
2 IC 5-3-1 stating that the board has disbanded a committee under
3 this subsection. The notice must state the date of the order and the
4 name of the committee, but the board is not required to publish
5 the text of the order.

6 (6) An order issued under this subsection takes effect immediately
7 upon its adoption, unless otherwise specified in the order.

8 (f) If the chairman or treasurer of a committee wishes to disband the
9 committee, the committee must do either of the following:

10 (1) Give written notification of the dissolution and transfer a
11 surplus of contributions less expenditures to any one (1) or a
12 combination of the following:

- 13 (A) One (1) or more regular party committees.
- 14 (B) One (1) or more candidate's committees.
- 15 (C) The election division.
- 16 (D) An organization exempt from federal income taxation
17 under Section 501 of the Internal Revenue Code.
- 18 (E) Contributors to the committee, on a pro rata basis.

19 (2) Use the surplus in any other manner permitted under
20 IC 3-9-3-4.

21 (g) Except as provided in subsection (e) concerning the waiver of
22 civil penalties, a dissolution or transfer of funds does not relieve the
23 committee or the committee's members from civil or criminal liability.

24 SECTION 2. IC 3-9-1-12.5 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2005]: **Sec. 12.5. (a) This section applies to a candidate's
27 committee established before, on, or after July 1, 2005, for any of
28 the following:**

- 29 (1) A state office.
- 30 (2) A legislative office.
- 31 (3) A local office.
- 32 (4) A school board office.

33 (b) If an individual for whom a candidate's committee was
34 organized dies, the candidate's committee must disband as
35 provided by this section.

36 (c) The chairman or treasurer of a candidate's committee
37 described in subsection (b) shall disband the committee under
38 section 12(f) of this chapter.

39 (d) If the chairman or treasurer of a candidate's committee does
40 not give the written notification required under section 12(f)(1) of
41 this chapter within one hundred twenty (120) days after the date of
42 the individual's death:

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1 **(1) the commission for a candidate's committee for a state or**
2 **legislative office; or**
3 **(2) the county election board for a candidate's committee for**
4 **a local or school board office;**
5 **shall administratively disband the candidate's committee as**
6 **provided in section 12(e)(3) through 12(e)(6) of this chapter and**
7 **distribute the committee's surplus contributions under IC 3-9-3-4.**
8 **(e) The candidate's committee must:**
9 **(1) disband under subsection (c) or (d); and**
10 **(2) distribute the committee's surplus contributions;**
11 **not later than one hundred eighty (180) days after the date of the**
12 **individual's death.**

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