

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 621 be amended to read as follows:

- 1 Page 1, between lines 9 and 10, begin a new paragraph and insert:
2 "SECTION 3. IC 3-9-4-17, AS AMENDED BY P.L.225-2011,
3 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 17. (a) In addition to any other penalty imposed,
5 a person who does any of the following is subject to a civil penalty
6 under this section:
7 (1) Fails to file with a county election board a report in the
8 manner required under IC 3-9-5.
9 (2) Fails to file a statement of organization required under
10 IC 3-9-1.
11 (3) Is a committee or a member of a committee who disburses or
12 expends money or other property for any political purpose before
13 the money or other property has passed through the hands of the
14 treasurer of the committee.
15 (4) Makes a contribution other than to a committee subject to this
16 article or to a person authorized by law or a committee to receive
17 contributions in the committee's behalf.
18 (5) Is a corporation or labor organization that exceeds any of the
19 limitations on contributions prescribed by IC 3-9-2-4.
20 (6) Makes a contribution in the name of another person.
21 (7) Accepts a contribution made by one (1) person in the name of
22 another person.
23 (8) Is not the treasurer of a committee subject to this article, and
24 pays any expenses of an election or a caucus except as authorized

- 1 by this article.
- 2 (9) Commingles the funds of a committee with the personal funds
- 3 of an officer, a member, or an associate of the committee.
- 4 (10) Wrongfully uses campaign contributions in violation of
- 5 IC 3-9-3-4.
- 6 (11) Fails to designate a contribution as required by IC 3-9-2-5(c).
- 7 (12) Violates IC 3-9-3-5.
- 8 (13) Serves as a treasurer of a committee in violation of any of the
- 9 following:
- 10 (A) IC 3-9-1-13(1).
- 11 (B) IC 3-9-1-13(2).
- 12 (C) IC 3-9-1-18.
- 13 (14) Violates IC 3-9-3-2.5 by making a communication that
- 14 contains a disclaimer that is not presented in a clear and
- 15 conspicuous manner, as required by IC 3-9-3-2.5(d) and
- 16 IC 3-9-3-2.5(e). This subdivision does not apply to a person
- 17 whose sole act is, in the normal course of business, participating
- 18 in the preparation, printing, distribution, or broadcast of the
- 19 communication containing the disclaimer.
- 20 **(15) Makes or accepts a contribution in violation of IC 3-9-8.**
- 21 (b) This subsection applies to a person who is subject to a civil
- 22 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
- 23 statement. If the county election board determines that a person failed
- 24 to file the report or a statement of organization not later than noon five
- 25 (5) days after being given notice under section 14 of this chapter, the
- 26 county election board may assess a civil penalty. The penalty is ten
- 27 dollars (\$10) for each day the report is late after the expiration of the
- 28 five (5) day period, not to exceed one hundred dollars (\$100) plus any
- 29 investigative costs incurred and documented by the board. The civil
- 30 penalty limit under this subsection applies to each report separately.
- 31 (c) This subsection applies to a person who is subject to a civil
- 32 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
- 33 statement. If the county election board determines that a person failed
- 34 to file the report or statement of organization by the deadline prescribed
- 35 under this article, the board shall assess a civil penalty. The penalty is
- 36 fifty dollars (\$50) for each day the report is late, with the afternoon of
- 37 the final date for filing the report or statement being calculated as the
- 38 first day. The civil penalty under this subsection may not exceed one
- 39 thousand dollars (\$1,000) plus any investigative costs incurred and
- 40 documented by the board. The civil penalty limit under this subsection
- 41 applies to each report separately.
- 42 (d) This subsection applies to a person who is subject to a civil
- 43 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
- 44 (a)(10). If the county election board determines that a person is subject
- 45 to a civil penalty under subsection (a), the board may assess a civil
- 46 penalty of not more than one thousand dollars (\$1,000), plus any

- 1 investigative costs incurred and documented by the board.
- 2 (e) This subsection applies to a person who is subject to a civil
3 penalty under subsection (a)(5). If the county election board determines
4 that a person is subject to a civil penalty under subsection (a)(5), the
5 board may assess a civil penalty of not more than three (3) times the
6 amount of the contribution in excess of the limit prescribed by
7 IC 3-9-2-4, plus any investigative costs incurred and documented by
8 the board.
- 9 (f) This subsection applies to a person who is subject to a civil
10 penalty under subsection (a)(11). If the county election board
11 determines that a corporation or a labor organization has failed to
12 designate a contribution in violation of IC 3-9-2-5(c), the board shall
13 assess a civil penalty equal to the greater of the following, plus any
14 investigative costs incurred and documented by the board:
- 15 (1) Two (2) times the amount of the contributions undesignated.
16 (2) One thousand dollars (\$1,000).
- 17 (g) This subsection applies to a person who is subject to a civil
18 penalty under subsection (a)(12). If the county election board
19 determines, by unanimous vote of the entire membership of the board,
20 that a person has violated IC 3-9-3-5, the board may assess a civil
21 penalty of not more than five hundred dollars (\$500), plus any
22 investigative costs incurred and documented by the board.
- 23 (h) This subsection applies to a person who is subject to a civil
24 penalty under subsection (a)(13). If the county election board
25 determines, by unanimous vote of the entire membership of the board,
26 that a person has served as the treasurer of a committee in violation of
27 any of the statutes listed in subsection (a)(13), the board may assess a
28 civil penalty of not more than five hundred dollars (\$500), plus any
29 investigative costs incurred and documented by the board.
- 30 (i) This subsection applies to a person who is subject to a civil
31 penalty under subsection (a)(14). If the board determines that a person
32 is subject to a civil penalty under subsection (a)(14), the board may
33 assess a civil penalty of not more than one thousand dollars (\$1,000)
34 for each communication circulated or published (but not for each of the
35 copies of the communication actually circulated or published), plus any
36 investigative costs incurred and documented by the election division.
- 37 **(j) This subsection applies to a person who is subject to a civil**
38 **penalty under subsection (a)(15). The board may assess a civil**
39 **penalty equal to the greater of the following, plus any investigative**
40 **costs incurred and documented by the board:**
- 41 **(1) Two (2) times the amount of any contributions received or**
42 **accepted.**
- 43 **(2) One thousand dollars (\$1,000).**
- 44 (j) **(k)** All civil penalties collected under this section shall be
45 deposited with the county treasurer to be deposited by the county
46 treasurer in a separate account to be known as the campaign finance

1 enforcement account. The funds in the account are available, with the
 2 approval of the county fiscal body, to augment and supplement the
 3 funds appropriated for the administration of this article.

4 ~~(k)~~ **(l)** Money in the campaign finance enforcement account does not
 5 revert to the county general fund at the end of a county fiscal year.

6 ~~(j)~~ **(m)** Proceedings of the county election board under this section
 7 are subject to IC 4-21.5.

8 SECTION 4. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS
 9 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2013]:

11 **Chapter 8. Contributions to Candidates for Offices in County**
 12 **Having a Consolidated City**

13 **Sec. 1. As used in this chapter, "committee" refers to any of the**
 14 **following:**

- 15 (1) A candidate's committee.
- 16 (2) A regular party committee.
- 17 (3) A legislative caucus committee.
- 18 (4) A political action committee.

19 **Sec. 2. As used in this chapter, "contractor" refers to a person**
 20 **that has a contract with a consolidated city.**

21 **Sec. 3. For purposes of this chapter, the following are**
 22 **considered a member of an individual's "immediate family":**

- 23 (1) The individual's spouse.
- 24 (2) The individual's dependent children.

25 **Sec. 4. The following may not solicit or accept contributions**
 26 **from a contractor:**

- 27 (1) The mayor of a consolidated city.
- 28 (2) A member of the immediate family of the individual
 29 described in subdivision (1).

30 **Sec. 5. An individual who is:**

- 31 (1) the head of a department of a consolidated city; or
- 32 (2) a deputy mayor of a consolidated city;

33 **may not solicit a contribution for a candidate or a committee.**

34 **Sec. 6. An employee of a consolidated city may not make a**
 35 **contribution to an individual who is the mayor of the consolidated**
 36 **city or that individual's candidate's committee.**

37 **Sec. 7. (a) An appointed member of a board or commission of a**
 38 **consolidated city may not make a contribution to:**

- 39 (1) the individual who holds the office that has the
 40 appointment power for that membership on the board or
 41 commission; or
- 42 (2) the candidate's committee of the individual described in
 43 subdivision (1);

44 **during the period described in subsection (b).**

45 **(b) The period referred to in subsection (a):**

- 46 (1) begins on the day that the member accepts appointment to
 47 the board or commission; and

- 1 (2) ends three hundred sixty-five (365) days after the day the
- 2 member ceases membership on the board or commission.
- 3 **Sec. 8. (a) This section applies to the following:**
- 4 (1) A candidate or a candidate's committee for a local office
- 5 for a county having a consolidated city.
- 6 (2) A regular party committee for a political party in a county
- 7 having a consolidated city.
- 8 **(b) As used in this section, "fraud" refers to any offense:**
- 9 (1) defined in IC 35; or
- 10 (2) under the law of the United States or in another state or
- 11 country that is substantially similar to an offense defined in
- 12 IC 35-43-5;
- 13 **involving the conversion by a person of funds or other property of**
- 14 **another with whom the person has a fiduciary relationship.**
- 15 **(c) Except as provided in subsection (d), a candidate or a**
- 16 **committee shall return all contributions received from a person**
- 17 **convicted of fraud.**
- 18 **(d) If the candidate or committee does not have sufficient funds**
- 19 **to return all of the contributions described in subsection (c), the**
- 20 **candidate or committee shall return all funds held by the candidate**
- 21 **or the candidate's committee."**

22 Page 3, between lines 6 and 7, begin a new paragraph and insert:
 23 "SECTION 9. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2013]: **Sec. 17. A person who recklessly, knowingly, or**
 26 **intentionally makes or accepts a contribution in violation of**
 27 **IC 3-9-8 commits a Class B misdemeanor.**

- 28 SECTION 10. IC 35-51-3-1, AS ADDED BY P.L.70-2011,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 3:
- 31 IC 3-14-1-1 (Concerning elections).
 - 32 IC 3-14-1-2 (Concerning elections).
 - 33 IC 3-14-1-3 (Concerning elections).
 - 34 IC 3-14-1-6 (Concerning elections).
 - 35 IC 3-14-1-7 (Concerning elections).
 - 36 IC 3-14-1-10 (Concerning elections).
 - 37 IC 3-14-1-10.5 (Concerning elections).
 - 38 IC 3-14-1-11 (Concerning elections).
 - 39 IC 3-14-1-13 (Concerning elections).
 - 40 IC 3-14-1-14 (Concerning elections).
 - 41 IC 3-14-1-14.5 (Concerning elections).
 - 42 **IC 3-14-1-17 (Concerning elections).**
 - 43 IC 3-14-2-1 (Concerning voting).
 - 44 IC 3-14-2-2 (Concerning voting).
 - 45 IC 3-14-2-2.5 (Concerning voting).
 - 46 IC 3-14-2-3 (Concerning voting).

1	IC 3-14-2-4 (Concerning voting).
2	IC 3-14-2-5 (Concerning voting).
3	IC 3-14-2-6 (Concerning voting).
4	IC 3-14-2-7 (Concerning voting).
5	IC 3-14-2-8 (Concerning voting).
6	IC 3-14-2-9 (Concerning voting).
7	IC 3-14-2-10 (Concerning voting).
8	IC 3-14-2-11 (Concerning voting).
9	IC 3-14-2-12 (Concerning voting).
10	IC 3-14-2-13 (Concerning voting).
11	IC 3-14-2-14 (Concerning voting).
12	IC 3-14-2-15 (Concerning voting).
13	IC 3-14-2-16 (Concerning voting).
14	IC 3-14-2-17 (Concerning voting).
15	IC 3-14-2-18 (Concerning voting).
16	IC 3-14-2-19 (Concerning voting).
17	IC 3-14-2-20 (Concerning voting).
18	IC 3-14-2-21 (Concerning voting).
19	IC 3-14-2-22 (Concerning voting).
20	IC 3-14-2-23 (Concerning voting).
21	IC 3-14-2-24 (Concerning voting).
22	IC 3-14-2-25 (Concerning voting).
23	IC 3-14-2-26 (Concerning voting).
24	IC 3-14-2-27 (Concerning voting).
25	IC 3-14-2-28 (Concerning voting).
26	IC 3-14-2-29 (Concerning voting).
27	IC 3-14-2-30 (Concerning voting).
28	IC 3-14-3-1.1 (Concerning voting).
29	IC 3-14-3-2 (Concerning voting).
30	IC 3-14-3-3 (Concerning voting).
31	IC 3-14-3-4 (Concerning voting).
32	IC 3-14-3-5 (Concerning voting).
33	IC 3-14-3-6 (Concerning voting).
34	IC 3-14-3-7 (Concerning voting).
35	IC 3-14-3-8 (Concerning voting).
36	IC 3-14-3-9 (Concerning voting).
37	IC 3-14-3-10 (Concerning voting).
38	IC 3-14-3-11 (Concerning voting).
39	IC 3-14-3-12 (Concerning voting).
40	IC 3-14-3-13 (Concerning voting).
41	IC 3-14-3-14 (Concerning voting).
42	IC 3-14-3-15 (Concerning voting).
43	IC 3-14-3-16 (Concerning voting).
44	IC 3-14-3-17 (Concerning voting).
45	IC 3-14-3-18 (Concerning voting).
46	IC 3-14-3-19 (Concerning voting).

- 1 IC 3-14-3-20 (Concerning voting).
 2 IC 3-14-3-20.5 (Concerning voting).
 3 IC 3-14-3-21 (Concerning voting).
 4 IC 3-14-3-21.5 (Concerning voting).
 5 IC 3-14-4-1 (Concerning elections).
 6 IC 3-14-4-2 (Concerning elections).
 7 IC 3-14-4-3 (Concerning elections).
 8 IC 3-14-4-3.5 (Concerning elections).
 9 IC 3-14-4-4 (Concerning elections).
 10 IC 3-14-4-6 (Concerning elections).
 11 IC 3-14-4-7 (Concerning elections).
 12 IC 3-14-4-8 (Concerning elections).
 13 IC 3-14-4-9 (Concerning elections).
 14 IC 3-14-4-10 (Concerning elections).
 15 IC 3-14-6-1.1 (Concerning elections).
 16 IC 3-14-6-2 (Concerning elections).
 17 SECTION 11. IC 35-51-36-1, AS AMENDED BY P.L.132-2012,
 18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 36:
 20 IC 36-2-2-13 (Concerning county government).
 21 IC 36-2-6-8 (Concerning county government).
 22 IC 36-2-6-12 (Concerning county government).
 23 IC 36-2-7-18 (Concerning county government).
 24 IC 36-2-8-6 (Concerning county government).
 25 IC 36-2-9-13 (Concerning county government).
 26 IC 36-2-9-14 (Concerning county government).
 27 IC 36-2-9.5-7 (Concerning county government).
 28 IC 36-2-9.5-9 (Concerning county government).
 29 IC 36-2-13-5 (Concerning county government).
 30 IC 36-2-14-10 (Concerning county government).
 31 IC 36-2-14-17 (Concerning county government).
 32 IC 36-2-14-21 (Concerning county government).
 33 **IC 36-3-7-8 (Concerning government of a consolidated city).**
 34 IC 36-4-8-13 (Concerning government of cities and towns).
 35 IC 36-7-12-27.5 (Concerning planning and development).
 36 IC 36-7-14-40 (Concerning planning and development).
 37 IC 36-7-15.1-27 (Concerning planning and development).
 38 IC 36-7-30-28 (Concerning planning and development).
 39 IC 36-7-30.5-36 (Concerning planning and development).
 40 IC 36-8-3.5-23 (Concerning public safety).
 41 IC 36-8-10-9 (Concerning public safety).
 42 IC 36-8-16.7-41 (Concerning public safety).
 43 IC 36-8-16.7-45 (Concerning public safety).
 44 IC 36-8-16.7-46 (Concerning public safety).
 45 IC 36-9-14-7 (Concerning transportation and public works).
 46 IC 36-10-3-39 (Concerning recreation, culture, and community

- 1 facilities).
- 2 IC 36-10-4-5 (Concerning recreation, culture, and community
- 3 facilities).
- 4 IC 36-10-4-40 (Concerning recreation, culture, and community
- 5 facilities).".
- 6 Page 10, between lines 14 and 15, begin a new paragraph and insert:
- 7 "SECTION 16. IC 36-3-7-7 IS ADDED TO THE INDIANA CODE
- 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9 1, 2013]: **Sec. 7. An individual may not be appointed as a member**
- 10 **of a board or commission of the consolidated city if the individual**
- 11 **made a contribution (as defined in IC 3-5-2-15) to the appointing**
- 12 **authority or the appointing authority's candidate's committee (as**
- 13 **defined in IC 3-5-2-7) at any time within three hundred sixty-five**
- 14 **(365) days before the individual's appointment would become**
- 15 **effective.**
- 16 SECTION 17. IC 36-3-7-8 IS ADDED TO THE INDIANA CODE
- 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 18 1, 2013]: **Sec. 8. (a) As used in this section, "contractor" refers to**
- 19 **a person that has a contract with a consolidated city.**
- 20 **(b) As used in this section "gift" means the voluntary transfer**
- 21 **of anything of value without consideration.**
- 22 **(c) For purposes of this section, the following are considered a**
- 23 **member of an individual's "immediate family":**
- 24 **(1) The individual's spouse.**
- 25 **(2) The individual's dependent children.**
- 26 **(d) A contractor or an employee of a contractor may not give a**
- 27 **gift to the mayor of a consolidated city or an individual who is a**
- 28 **member of the mayor's immediate family.**
- 29 **(e) The mayor of a consolidated city or an individual who is a**
- 30 **member of the mayor's immediate family may not accept a gift**
- 31 **from a contractor or an employee of a contractor.**
- 32 **(f) A person who knowingly or intentionally violates this section**
- 33 **commits a Class B misdemeanor."**
- 34 Renumber all SECTIONS consecutively.
(Reference is to ESB 621 as printed April 2, 2013.)

Representative Forestal