

HOUSE BILL No. 1285

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-9-7-4.

Synopsis: Campaign violations. Provides that a political party or other person may not: (1) solicit or receive money or other property as a condition that the person, another person, or a political party support or slate a candidate; (2) pay money or give other property in exchange for the support or slating of a candidate by a person or a political party; or (3) require an individual to refrain from seeking the nomination of a political party for an elected office in a primary election if the political party does not slate the individual as the political party's choice for election to the office. Provides that a civil penalty may be assessed against a political party or other person of not more than three times the value of the money or property solicited, received, paid, or given in violation of the prohibition. Provides that any agreement entered into in violation of the prohibition is void.

Effective: July 1, 2019.

Bartlett

January 10, 2019, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1285

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 3-9-7-4 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 3 2019]: **Sec. 4. (a) This section applies only to the solicitation,**
- 4 **payment, receipt, or acceptance of money or other property to be**
- 5 **paid or given by a candidate seeking the nomination of a political**
- 6 **party at a primary election.**
- 7 **(b) This section does not prohibit a political party from**
- 8 **requiring a candidate to pay reasonable expenses for any of the**
- 9 **following as a condition of the political party's support of the**
- 10 **candidate:**
- 11 **(1) Office space.**
- 12 **(2) Administrative expenses.**
- 13 **(3) Use of poll lists.**
- 14 **(4) Other reasonable expenses incurred by the political party**
- 15 **in support of the candidate's candidacy.**
- 16 **(c) As used in this section, "agency" refers to the following:**
- 17 **(1) The election division, if the commission is the enforcement**



- 1 authority.
- 2 (2) The county election board, if the county election board is
- 3 the enforcement authority.
- 4 (d) As used in this section, "enforcement authority" refers to
- 5 either of the following:
- 6 (1) The commission, which has exclusive jurisdiction under
- 7 this section for matters relating to elections and candidates
- 8 for state, legislative, and judicial offices.
- 9 (2) The county election board, which has jurisdiction under
- 10 this section for matters relating to elections and candidates
- 11 for local and school board offices.
- 12 (e) A political party or other person may not do any of the
- 13 following:
- 14 (1) Solicit or receive money or other property as a condition
- 15 that the person, another person, or a political party support
- 16 or slate a candidate.
- 17 (2) Pay money or give other property in exchange for the
- 18 support or slating of a candidate by a person or a political
- 19 party.
- 20 (3) Require an individual to refrain from seeking the
- 21 nomination of a political party for an elected office in a
- 22 primary election if the political party does not slate the
- 23 individual as the political party's choice for election to the
- 24 office.
- 25 (f) If the enforcement authority determines that a political party
- 26 or other person has violated subsection (e), the following apply:
- 27 (1) The enforcement authority may assess a civil penalty
- 28 against the political party or other person of not more than
- 29 three (3) times the value of the money or property solicited,
- 30 received, paid, or given.
- 31 (2) Any agreement entered into in violation of subsection (e)
- 32 is void.
- 33 (g) Proceedings of an enforcement authority under this section
- 34 are subject to IC 4-21.5.
- 35 (h) If the commission is the enforcement authority, a
- 36 commission member, or the co-directors, with the authorization of
- 37 the commission, may conduct a hearing or an investigation, take
- 38 evidence, and report back to the commission for its consideration
- 39 and action. If a county election board is the enforcement authority,
- 40 a county election board member may conduct a hearing or an
- 41 investigation, take evidence, and report back to the board for its
- 42 consideration and action.



1 (i) If a civil penalty is imposed under this section, any
2 investigative costs incurred and documented by the agency shall be
3 added to the civil penalty imposed.

4 (j) Civil penalties and investigative costs shall be deposited as
5 follows:

6 (1) If the enforcement authority is the commission, penalties
7 and costs shall be deposited in the campaign finance
8 enforcement account, established by IC 3-6-4.1-24.

9 (2) If the enforcement authority is a county election board,
10 penalties and costs shall be deposited in the county election
11 and registration fund. If the county does not have a county
12 election and registration fund, penalties and costs shall be
13 deposited in the county general fund.

14 (k) An enforcement authority may, upon the unanimous vote of
15 its entire membership, find that imposition of a civil penalty
16 required to be imposed under this section would be unjust under
17 the circumstances and do either of the following:

18 (1) Waive the penalty.

19 (2) Reduce the penalty to an amount specified by the
20 enforcement authority.

21 (l) If a person is notified by the agency that the enforcement
22 authority may assess a proposed civil penalty under this section
23 against the person, the person may enter into an agreement with
24 the agency to pay the proposed penalty and waive a hearing before
25 the enforcement authority. An agreement entered into under this
26 subsection must:

27 (1) provide for the payment of the entire proposed civil
28 penalty not later than the date of the execution of the
29 agreement; and

30 (2) be presented to the enforcement authority by the agency
31 for ratification at the enforcement authority's next regularly
32 scheduled meeting.

