



March 25, 2015

ENGROSSED HOUSE BILL No. 1236

DIGEST OF HB 1236 (Updated March 23, 2015 11:59 am - DI 102)

Citations Affected: IC 32-21.

Synopsis: Political activity on homeowners association property. Provides that the statute that prohibits a homeowners association from adopting or enforcing a rule or covenant that prohibits candidates and officeholders from entering the property to conduct political activity does not apply to homeowners association property if: (1) access to the property from the outside is controlled; and (2) the common areas, including roads and sidewalks, are privately owned and maintained. Provides exceptions for: (1) certain voter registration activities; (2) property owned by a member of the homeowners association, if the member consents and is present; or (3) property owned by the homeowners association or by the members in common, if the homeowners association consents.

Effective: July 1, 2015.

Slager, Olthoff, Smith M

(SENATE SPONSOR — NIEMEYER)

January 13, 2015, read first time and referred to Committee on Elections and Apportionment.

January 22, 2015, reported — Do Pass.

January 26, 2015, read second time, ordered engrossed. Engrossed.

January 27, 2015, read third time, passed. Yeas 70, nays 28.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Elections.

March 24, 2015, amended, reported favorably — Do Pass.

EH 1236—LS 6557/DI 75



March 25, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1236

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 32-21-13-7, AS ADDED BY P.L.73-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 7. **(a) Except as provided in subsection (d) or**
4 **(e), this section does not apply to homeowners association property**
5 **if:**
6 **(1) access to the property from the outside is controlled by**
7 **gates or other means; and**
8 **(2) the common areas, including roads and sidewalks, are**
9 **privately owned and maintained.**
10 ~~(a)~~ **(b)** As used in this section, "homeowners association property"
11 refers to real property owned by any of the following:
12 (1) A member of the homeowners association.
13 (2) The homeowners association.
14 (3) The members of the homeowners association in common.
15 ~~(b)~~ **(c)** A homeowners association may not adopt or enforce a rule

EH 1236—LS 6557/DI 75



1 or covenant that prohibits, or has the effect of prohibiting:

2 (1) a candidate;

3 (2) an individual who holds an elected office;

4 (3) the spouse of a candidate or individual who holds an elected
5 office; or

6 (4) a volunteer worker of a candidate or individual who holds an
7 elected office;

8 from entering onto homeowners association property for purposes of
9 conducting political activity.

10 **(d) In the case of homeowners association property that meets**
11 **the requirements of subsection (a), a person listed in subsection (c)**
12 **may enter onto homeowners association property for purposes of**
13 **conducting political activity in the following circumstances:**

14 **(1) The person may enter onto the real property of a member**
15 **of the homeowners association, if the member consents to the**
16 **entry and is present while the person is conducting political**
17 **activity.**

18 **(2) The person may enter onto the real property owned by the**
19 **homeowners association or members of the homeowners**
20 **association in common, if the homeowners association**
21 **consents to the entry.**

22 **(e) A homeowners association described in subsection (a) may**
23 **not adopt or enforce a rule or covenant that prohibits, or has the**
24 **effect of prohibiting, an individual's activities to register voters**
25 **without advocating for a specific candidate or position on a public**
26 **question.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1236, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1236 as introduced.)

SMITH M

Committee Vote: Yeas 13, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1236, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "This" and insert "**Except as provided in subsection (d) or (e), this**".

Page 2, after line 8, begin a new paragraph and insert:

"(d) In the case of homeowners association property that meets the requirements of subsection (a), a person listed in subsection (c) may enter onto homeowners association property for purposes of conducting political activity in the following circumstances:

(1) The person may enter onto the real property of a member of the homeowners association, if the member consents to the entry and is present while the person is conducting political activity.

(2) The person may enter onto the real property owned by the homeowners association or members of the homeowners association in common, if the homeowners association consents to the entry.

(e) A homeowners association described in subsection (a) may not adopt or enforce a rule or covenant that prohibits, or has the effect of prohibiting, an individual's activities to register voters



without advocating for a specific candidate or position on a public question."

and when so amended that said bill do pass.

(Reference is to HB 1236 as printed January 23, 2015.)

WALKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

