

HOUSE BILL No. 1314

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-9-8.

Synopsis: Campaign advertising. Establishes an election ethics commission to investigate complaints alleging unethical or false advertising by candidates.

Effective: July 1, 2017.

Brown C

January 10, 2017, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1314

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 3-9-8 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]:

4 **Chapter 8. Election Ethics Commission**

5 **Sec. 1. As used in this chapter, "commission" refers to the**
6 **election ethics commission established by section 2 of this chapter.**

7 **Sec. 2. The election ethics commission is established to**
8 **investigate and report on charges of unethical or false campaign**
9 **advertising.**

10 **Sec. 3. The commission consists of five (5) members appointed**
11 **by the governor as follows:**

12 **(1) One (1) individual nominated by the state chairman of the**
13 **political party whose candidate for the office of President of**
14 **the United States received the highest vote in Indiana at the**
15 **last presidential election preceding the appointment.**

16 **(2) One (1) individual nominated by the state chairman of the**
17 **political party whose candidate for the office of President of**



1 the United States received the second highest vote in Indiana
2 at the last presidential election preceding the appointment.

3 (3) One (1) individual nominated by the state chairman of the
4 political party whose candidate for the office of President of
5 the United States received the third highest vote in Indiana at
6 the last presidential election preceding the appointment.

7 (4) One (1) individual nominated by a representative of the
8 League of Women Voters.

9 (5) One (1) individual nominated by a representative of
10 Common Cause of Indiana.

11 Sec. 4. (a) The term of a member of the commission begins on
12 the later of the following:

13 (1) July 1 after the expiration of the term of the member's
14 immediate predecessor.

15 (2) The day the member is appointed by the governor.

16 (b) The term of a member expires June 30 of the fourth year
17 after the expiration of the term of the member's immediate
18 predecessor.

19 (c) An individual may not serve two (2) consecutive terms as a
20 member of the commission.

21 Sec. 5. (a) The governor shall appoint an individual to fill a
22 vacancy on the commission. The individual appointed to fill a
23 vacancy must have the same qualifications, as set forth in section
24 3 of this chapter, as the member the individual replaces.

25 (b) If appointed to fill a vacancy occurring before the end of a
26 member's term, the individual appointed under subsection (a)
27 serves the remainder of the unexpired term of the member the
28 individual replaces.

29 Sec. 6. The governor shall appoint one (1) member of the
30 commission to serve as the commission's chair.

31 Sec. 7. (a) Each member of the commission who is not a state
32 employee is entitled to the minimum salary per diem provided by
33 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
34 for traveling expenses as provided under IC 4-13-1-4 and other
35 expenses actually incurred in connection with the member's duties
36 as provided in the state policies and procedures established by the
37 Indiana department of administration and approved by the budget
38 agency.

39 (b) Each member of the commission who is a state employee is
40 entitled to reimbursement for traveling expenses as provided under
41 IC 4-13-1-4 and other expenses actually incurred in connection
42 with the member's duties as provided in the state policies and



1 procedures established by the Indiana department of
2 administration and approved by the budget agency.

3 **Sec. 8. Three (3) commission members constitute a quorum.**

4 **Sec. 9. The commission shall meet at the call of the chair.**

5 **Sec. 10. The election division shall provide staff and support**
6 **services for the commission.**

7 **Sec. 11. The commission may adopt rules under IC 4-22-2 to**
8 **implement this chapter.**

9 **Sec. 12. The commission shall do the following:**

10 (1) **Accept a complaint against a candidate from any person**
11 **alleging unethical or false campaign advertising by the**
12 **candidate.**

13 (2) **Determine a form for complaints and establish and collect**
14 **a fee for filing a complaint.**

15 (3) **Make complaints filed under this section available for**
16 **public inspection.**

17 (4) **Serve the candidate with a copy of the complaint not more**
18 **than three (3) days after receiving the complaint.**

19 (5) **Permit the candidate to file a response to the complaint not**
20 **more than twenty-four (24) hours after receiving the**
21 **complaint.**

22 (6) **Provide an opportunity for a hearing concerning the**
23 **complaint not more than five (5) days after receiving the**
24 **complaint.**

25 (7) **Review any documents submitted by the petitioner or**
26 **respondent.**

27 (8) **Issue a written opinion to the public not more than**
28 **twenty-four (24) hours after the conclusion of the hearing.**

