

## Chapter 3: Candidate's Committee

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**Definition of a Candidate:** An individual may become a candidate for **other** election law purposes by acting to qualify under Indiana law for listing on the ballot at an election or to become a write-in candidate by publicly announcing or declaring candidacy for an elected office; or otherwise by seeking nomination for an election to an elected office. **These announcements do not automatically make the individual a candidate for purposes of the Indiana Campaign Finance Act. (IC 3-9)**

For campaign finance purposes, an individual seeking an office paying at least \$5,000 per calendar year becomes a "candidate" when the individual, the candidate's committee, or a person acting with the consent of the individual:

- 1) receives more than \$100 in contributions; or
- 2) makes more than \$100 in expenditures. (IC 3-5-2-6)

There are special exceptions for candidates running for a local office earning less than \$5,000, school board office, and precinct committeeman or state convention delegate. The information is found later in this *Manual*.

Each candidate, when filing a declaration of candidacy or similar document, is required to separately sign a statement indicating that the candidate is aware of requirements of the Campaign Finance Act and agrees to comply with them. (IC 3-8-2-7)

**Candidate's Committee:** A candidate's committee is designated by a candidate to accept contributions and make expenditures for the purpose of promoting the candidate for election to an elected office.

A candidate who has not decided whether to become a candidate for a **specific** office may organize an "**exploratory committee.**" (IC 3-5-2-7) This candidate must file an amended statement of organization when the individual decides to become a candidate for a specific office, usually when the individual has filed a declaration of candidacy.

Every candidate must have a principal campaign finance committee (*candidate's committee*) and file a CFA-1 form designating the committee as such. The Statement of Organization form (CFA-1) must be filed by the **candidate not later than noon (prevailing local time), ten (10) days after becoming a candidate, or noon (prevailing local time), seven (7) days after the final day and hour for filing for an elected office, whichever occurs first.** (IC 3-9-1-5) If a candidate does not designate a principal campaign finance committee, the Election Division or county election board is required to designate such a committee for the candidate, naming the candidate as both the chairperson and the treasurer. (IC 3-9-1-6)

A candidate's committee cannot be the principal committee for more than one candidate. (IC 3-9-1-5; IC 3-9-1-6)

Every committee must have a chairperson (a chairman) and a treasurer. No expenditures may be made, or contributions accepted for or on behalf of a candidate's committee without the authorization of its chairperson or treasurer. (IC 3-9-1-2)

The **chairperson** is the elected or appointed head or presiding officer of the candidate's committee. Every candidate's committee must have a chairperson. A person may be chairperson of more than one committee.

A **treasurer** of a candidate's committee:

- 1) Must be a United States citizen;
- 2) May not be the chairman of a committee except when allowed under IC 3-9-1-7 (IC 3-9-1-13);
- 3) Must be appointed treasurer in writing as required by (IC 3-9-1-14); and
- 4) Must file the written instrument of appointment as required by (IC 3-9-1-15).

A member of the county election board may not be a member of a candidate's committee (that is, the chairperson or treasurer). An elected circuit court clerk may not be a member of a candidate's committee other than the clerk's own candidate's committee. (IC 3-6-5-3) A candidate may be chairman, treasurer, or both of the candidate's own committee. A treasurer of one committee may be the treasurer of another committee unless the treasurer is also a candidate. (IC 3-9-1-7; IC 3-9-1-18)

The chairman of a committee shall appoint or designate the treasurer of the committee in a written instrument. *(This designation and the treasurer's written acceptance is included on the CFA-1 form.)* (IC 3-9-1-14)

While an individual can be a chair of multiple committees or a treasurer of multiple committees, a person cannot be a chair of one committee and a treasurer of another committee (unless you are the candidate acting as chair and treasurer of your own candidate committee).

## Statement of Organization (CFA-1)

Every candidate for nomination or election to an elected office, for which the compensation is at least \$5,000 per year, must have a principal campaign finance committee. *(See special exceptions below for candidates for local offices for which the compensation is less than \$5,000 per year and candidates for school board.)*

**Whichever comes first, the candidate must file the (CFA-1) statement of organization not later than:**

- 1) Noon (prevailing local time), ten (10) days after becoming a candidate (that is, raising or spending more than \$100 threshold dollar); or
- 2) Noon (prevailing local time), seven (7) days after the final date and hour for filing any of the following, whichever applies to the candidate: a declaration of candidacy under IC 3-8-2, a petition of nomination under IC 3-8-6, a certificate of nomination under IC 3-8-7-8, a certificate of candidate selection to fill a ballot vacancy under IC 3-13-1 or IC 3-13-2, or declaration of intent to be a write-in candidate under IC 3-8-2; or
- 3) The date a candidate is required to file the candidate's first campaign finance report under IC 3-9-5.

Not later than noon (prevailing local time), fourteen (14) days after the applicable filing deadline, the Election Division or the appropriate county election board must determine if each candidate has filed the required CFA-1 form. (IC 3-8-1-1.6) If a required form is not filed, the candidate will then be appointed both as the chairperson and treasurer of the committee. (IC 3-9-1-6) Failing to file this statement will result in civil penalties. *(See Chapter 10 of this manual for further information regarding penalties.)*

**LOCAL OFFICE EXCEPTION:** A candidate for a local office for which the compensation for that office is less than \$5,000 per calendar year who receives more than \$500 in contributions or makes more than \$500 in expenditures as a candidate for the local office, must have a principal committee.

A candidate who meets this exception must file the CFA-1 form not later than noon (prevailing local time), ten (10) days after the candidate exceeds the \$500 contribution or expenditure amount. (IC 3-9-1-5.5) If a candidate for a local elected office for which the compensation is less than \$5,000 per year does not receive more than \$500 in contributions or makes more than \$500 in expenditures as a candidate, then a campaign finance report need not be filed.

**SCHOOL BOARD OFFICE EXCEPTION:** A candidate for a school board office who receives more than \$500 in contributions or makes more than \$500 in expenditures as a candidate for a school board office must have a principal committee. A candidate who meets this exception must file the CFA-1 form not later than noon (prevailing local time), ten (10) days after the candidate exceeds the \$500 contribution or expenditure amount. (IC 3-9-1-5.5) A school board candidate does not need to file a campaign finance report if the candidate does not raise or spend \$500 toward running for the school board office.

**PARTY OFFICE EXCEPTION:** A person running for the Republican and Democratic Party offices of precinct committeeman or state convention delegate do not need to open a campaign finance committee. (IC 3-9-1-1)

The chairperson, treasurer, and for a candidate's committee, the candidate must sign the CFA-1. For statewide and state legislative committees, the CFA-1 is first filed electronically with the Election Division. To complete the process, the committee needs to print the completed CFA-1 form and have all parties sign the document before filing. Unless the CFA-1 is amended, this is the only "paper" document a statewide or state legislative committee will file with the Election Division.

## **Amending the CFA-1 Form**

When changes occur in the information set forth in a previously filed CFA-1 form, such as a new chairperson, treasurer, mailing address, change of committee name, change from an exploratory committee, etc., an **amended** CFA-1 form must be filed not later than ten (10) days after the change. Check the box on the CFA-1 form to indicate an amendment is filed. (IC 3-9-1-10)

**NOTE: When filing an amendment, ONLY complete the line or lines where a change has been made.** However, please include the name of the committee and file number, if known. If the amendment reflects a change in treasurer, then the treasurer and either a candidate or a committee chairperson must sign the amendment. If the amendment reflects a change in the committee chairperson, then the candidate must sign the amendment. If the amendment is to simply update information about the committee (rather than change in the treasurer or chairperson of the committee), then only the chairperson or the candidate need to sign the amendment.

## **Statewide Candidate Committees**

### **CFA-4 Receipts and Expenditures Report of a Statewide Candidate Committee When Election for Office NOT Held**

**Reporting responsibilities for a statewide candidate when election for office NOT held:** In a year in which an election to the statewide office that the candidate seeks is **not** held, the treasurer of the candidate's committee shall file **two** CFA-4 reports:

- 1) A report of a candidate's committee that covers the period beginning January 1 of the reporting year and ending June 30. This report must be filed electronically with the Election Division not later than noon (Indianapolis time) July 15.
- 2) A report of a candidate's committee that covers the period from July 1 through December 31 of the year of the report. This report must be filed electronically with the Election Division by noon (Indianapolis time) on the third Wednesday in January of the following year. This report must provide cumulative totals from January 1 through December 31 of the year of the report. (IC 3-9-5-9; IC 3-9-5-10)

**OUTGOING TREASURER'S REPORT:** If a treasurer is removed, resigns or otherwise vacates the position of treasurer of a campaign finance committee, the outgoing treasurer must file a report not later than thirty (30) days after the vacancy occurs. This report must cover the period from the most recent report up to the last day the individual was treasurer. This report is filed on a CFA-4 in the usual manner and in the same location as the other reports. (IC 3-9-5-12) The purpose of the outgoing treasurer's report is to enable the new treasurer to assume office with up-to-date records. If the outgoing treasurer is deceased, or is otherwise unable or unwilling to complete this report, the current treasurer should file this report.

**FINAL/DISBANDS COMMITTEE REPORT:** Not later than **noon (Indianapolis time)**, thirty (30) days after a candidate's committee disbands, the last treasurer must file a financial report on a CFA-4 complete as of the last day the campaign finance committee existed, covering the period since the most recent report. **See the explanation of "Disbanding a Candidate's Committee" under this chapter of the *Manual* for more information.** (IC 3-9-5-11)

**State law requires candidates for statewide and state legislative (state representative or state senator) office to file all campaign finance reports and documents online at [campaignfinance.in.gov](http://campaignfinance.in.gov).** Campaign finance staff will assist these candidates in providing access to the system after the CFA-1 statement of organization is filed with the office.

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NOTE: A candidate's committee is not "automatically" disbanded after an election if the candidate is defeated for the office. A candidate's committee must continue to file reports until a "Final/Disbands Committee Report" is filed in the appropriate office. Failure to file reports according to the state's campaign finance reporting schedule results in a \$50 per day fine, up to \$1000.

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### **CFA-11 Supplemental "Large Contribution" Report by a Statewide Candidate's Committee (\$10,000 Single Contribution and \$1,000 Contributions or More)**

The committee of a candidate for **statewide office** must file this form if:

- 1) The statewide candidate's committee receives a single contribution of ten thousand dollars (\$10,000) **at any time**. This report must be filed not later than noon (Indianapolis time) seven (7) days after the contribution is received. NOTE: This rule applies to statewide candidate committees in 2022.
- 2) The statewide candidate's committee receives aggregates of contributions that total one thousand dollars (\$1,000) or more when the contribution is received after the end of a campaign finance reporting period and before the deadline to file a report. This report must be filed not later than 48 hours of receiving the contribution. (IC 3-9-5-22) NOTE: This rule does not apply to statewide candidate committees not on the ballot in 2022.

**Statewide candidates must file the CFA-11 electronically through the state's campaign finance website if the statewide candidate on the election ballot receives a "large contribution."** However, a statewide candidate does not have to file a CFA-11 form if the candidate did NOT receive any single contribution of \$10,000 or more at any time or did NOT receive other "large contributions" during the applicable reporting periods. The CFA-11 form must be filed electronically with the Election Division. Large contribution reports not timely filed are subject to a \$50 per calendar day fine, up to \$1,000.

**NOTE: Any large contribution reported on a CFA-11 form must ALSO be reported on the CFA-4 form filed after the end of the regular reporting period.**

### **Electronic Filing of Campaign Reports and Statements Required for Statewide and State Legislative (State Representative or State Senator) Candidate Committees**

Committees of **all** candidates for statewide and state legislative office must file their required campaign finance reports or statements of organization electronically using the online database by the Election Division, or by using another format approved by the Election Division. (IC 3-9-4-4) Please refer to the section in this *Manual* for information about free on-line filing of campaign finance reports.

If the committee fails to file its required campaign finance report or statement electronically in accordance with this requirement, the Indiana Election Commission may impose a fine equal to the costs incurred by the Election Division for the manual entry of the data in the campaign finance database, plus any investigative costs. (IC 3-9-4-16)

## **State Legislative & Local Candidate Committees**

### **CFA-4 Receipts and Expenditures Report for State Legislative or Local Candidate Committee**

In most cases, a state legislative or local candidate committee's treasurer must file **three** receipts and expenditures reports (*pre-primary, pre-election, annual*) for every calendar year in which a candidate appears on any election ballot for any office or seeks nomination for election in any caucus. If the candidate's name does not appear on the ballot in an election held in that calendar year, then the candidate's committee is only required to file an annual report.

The candidate's committee may also be required to file the pre-primary and pre-election "large contribution" supplemental reports (CFA-11 form), if applicable, discussed further below.

State law requires the Election Division to mail notices to candidates for state offices and state legislative offices at least twenty-one (21) days before the campaign finance reports are due. However, a county election board may, but is not required to, mail campaign finance notices and forms to candidates for local office. (IC 3-9-4-14) **When filing your campaign finance reports, make sure that you are using the currently approved forms, since using old forms will make your reports defective.**

**PRE-PRIMARY REPORT:** The financial report of a candidate's committee that covers the period beginning January 1 of the reporting year (*or the organizational date of the committee if after January 1*), and ending twenty-five (25) days before the primary election.

This report must be filed with the Election Division or appropriate county election board by **noon** (prevailing local time), seven (7) days after the end of the reporting period. **Candidates for state legislative office must file these reports electronically at <http://campaignfinance.in.gov>. Reports transmitted by e-mail, mail, hand-deliver or fax must be filed with the county election board not later than noon** (prevailing local time), seven (7) days after the end of the reporting period. (IC 3-9-5-6 and IC 3-9-5-7)

Special requirements apply to city and town candidates in election years a city or town office is on the ballot. If a municipal primary is not conducted in the municipality by one or more parties authorized to conduct a primary (that is, the Democratic or Republican party), a candidate for a city office or a town office who is required to file a pre-primary campaign finance report (CFA-4) must do so by the deadline stated in the schedule found in this *Manual*. (IC 3-9-5-9(d))

**PRE-ELECTION REPORT:** The financial report of a candidate's committee that covers the period beginning twenty-four (24) days before the primary election and ending twenty-five (25) days before the general election.

This report must be filed with the Election Division or appropriate county election board by **noon** (prevailing local time), seven (7) days after the end of the reporting period. Candidates for state legislative office must file these reports electronically at <http://campaignfinance.in.gov>. Reports transmitted by e-mail, mail, hand-delivery, or fax must be filed with the county election board not later than **noon** (prevailing local time), seven (7) days after the end of the reporting period. (IC 3-9-5-6; IC 3-9-5-7)

Special requirements apply to city and town candidates in election years a city or town office is on the ballot. If the November municipal election is not conducted in the municipality, then a candidate for a city office or a town office who is required to file a pre-election report (CFA-4) must do so by the deadline stated in the schedule found in this *Manual*. (IC 3-9-5-9(d))

**ANNUAL REPORT:** The financial report of a candidate's committee that covers the period beginning twenty-four (24) days before the general election and ending December 31 of that year. If a candidate was not seeking election that year, the report will cover the entire calendar year.

This report must be filed with the Election Division or appropriate county election board by **noon** (prevailing local time) on the third Wednesday in January of the following year. Candidates for state legislative office must file these reports electronically at <http://campaignfinance.in.gov>. Reports transmitted by e-mail, mail, hand-delivery, or fax must be filed with the county election board not later than **noon** (prevailing local time) on the third Wednesday in January. (IC 3-9-5-10)

**OUTGOING TREASURER'S REPORT:** If a treasurer is removed, resigns or otherwise vacates the position of treasurer of a campaign finance committee, the outgoing treasurer must file a report not later than thirty (30) days after the vacancy occurs. This report must cover the period from the most recent report up to the last day the individual was treasurer. This report is filed on a CFA-4 in the usual manner and in the same location as the other reports. (IC 3-9-5-12) The purpose of the outgoing treasurer's report is to enable the new treasurer to assume office with up-to-date records. If the outgoing treasurer is deceased, or is otherwise unable or unwilling to complete this report, the current treasurer should file this report.

**FINAL/DISBANDS COMMITTEE REPORT:** Not later than **noon** (prevailing local time), thirty (30) days after a candidate's committee disbands, the last treasurer must file a financial report on a CFA-4 that is complete as of the last day the

campaign finance committee existed, covering the period since the most recent report. See the explanation of “Disbanding a Candidate’s Committee” later in this *Manual* for more information. (IC 3-9-5-11)

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NOTE: A candidate’s committee is not “automatically” disbanded after an election if the candidate is defeated for the office. A candidate’s committee must continue to file reports until a “Final/Disbands Committee Report” is filed in the appropriate office. Failure to file reports according to the state’s campaign finance reporting schedule results in a \$50 per calendar day fine, up to \$1000.

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### **CFA-11 Supplemental “Large Contribution” Report by a State Legislative or Local Candidate’s Committee (\$1,000 Contributions or More)**

This form, often called the “48-hour” report, is to be used by the treasurer of a candidate’s committee to report aggregates of “large contributions” received after the end of a pre-primary or pre-election reporting period. This form consists of a single sheet to report “large contributions” of at least \$1,000 or more received by a candidate, candidate’s committee, or the treasurer of a candidate’s committee in either a lump sum or in the aggregate:

- 1) not more than twenty-five (25) days before a convention, primary, or general election; and
- 2) ending 48-hours before a convention or a primary, municipal, special, or general election. (IC 3-9-5-20.1)

In other words, a candidate’s committee must receive contributions totaling \$1,000 or more (whether lump sum or aggregate) during supplemental filing period only. For the 2022 primary election, the supplemental report filing period is April 9, 2022, to 6:00 a.m. (prevailing local time), May 1, 2022; for the 2022 general election, the supplemental report filing period is October 25, 2022, to 6:00 a.m. (prevailing local time), November 6, 2022. **NOTE: the CFA-11 report only applies to candidate committees. Political action committees and regular party committees need not file the CFA-11 report.**

**This form must be filed [“filing” is defined in IC 3-5-2-24.5] within 48-hours after a candidate or candidate’s committee receives a “large contribution.”** The candidate does not have to file a CFA-11 form if the candidate did not receive any “large contributions” during these reporting periods.

Candidates for state legislative office must file the CFA-11 form electronically at <http://campaignfinance.in.gov>. Candidates for judicial office, prosecuting attorney, or local office must file the CFA-11 form with the appropriate county election board. This report may be filed by fax, e-mail, or hand-delivery. Mailing a CFA-11 form is not advised as the report must be received and filed by the Election Division or county election board not later than 48-hours after the contribution is made. Large contribution reports not timely filed are subject to a \$50 per calendar day fine, up to \$1,000. If your report is found to be defective, you may be fined \$10 per calendar day (maximum of \$100) for failure to correct the report in a timely manner.

**NOTE: Any contribution reported on the supplemental report must ALSO be reported on the CFA-4 form filed after the end of the regular reporting period.**

### **State Legislative or Local Candidates Not Seeking Nomination or Election**

Generally speaking, in a year in which a state legislative or local candidate does not seek election to an office to which IC 3-9 applies or does not seek nomination at a caucus for election to an office to which IC 3-9 applies, the treasurer of the candidate’s committee shall file only one report that is complete as of December 31 of the previous year and covers the period since the last report. (IC 3-9-5-16) This report shall be filed with the Election Division or appropriate county election board office by noon (prevailing local time) of the third Wednesday in January of the following year. (IC 3-9-5-9)

**EXCEPTION:** A candidate who holds one office and is a candidate for a different office shall have the treasurer of the candidate’s committee for the office the candidate holds file the following report:

- 1) If the committee spends, transfers in, or transfers out at least ten thousand dollars (\$10,000) from January 1 until twenty-five (25) days before the primary election, the treasurer shall file a pre-primary report.
- 2) If the committee spends, transfers in, or transfers out at least ten thousand dollars (\$10,000) from twenty-five (25) days before the primary election until twenty-five (25) days before the general election, then the treasurer shall file a pre-election report.
- 3) The treasurer shall file a report that is complete as of December 31 of the previous year and covers the period from the last report. This annual report is due by noon (prevailing local time) of the third Wednesday in January. (IC 3-9-5-9)

### **Candidates for City and Town Offices when Election Not Held**

**Even if one or both major political parties (that is, the Democratic and Republican party) do not conduct a municipal primary** in the city or town, a candidate for a city office or a town office who is required to file a pre-primary report must file a pre-primary report. (IC 3-9-5-9(d))

A candidate for a city or town office who is required to file a pre-election report must file a pre-election report **even if a municipal election is not conducted** in the city or town in November. (IC 3-9-5-9(d))

### **County, City or Town Convention Candidates**

***NOTE:** Libertarian Party candidates may be nominated by county, city, or town conventions., If a town has not adopted an ordinance to conduct a town primary, then Democratic Party and Republican Party candidates are only nominated by town conventions when there is a contest in the town for that major party's nomination to the contested office and the town is less than 3,500 in population. If the town council has adopted an ordinance to conduct a primary, then the filing requirements above apply.*

### **CFA-1 Candidate's Statement of Organization and Designation of Principal Committee or Exploratory Committee**

A candidate nominated by convention must file the CFA-1 form not later than the earliest of the following:

- 1) Noon (prevailing local time), ten (10) days after becoming a candidate; or
- 2) The date a candidate is required to file the candidate's first campaign finance report under IC 3-9-5. (IC 3-9-1-5)

### **CFA-4 Receipts and Expenditures Report of a Political Committee**

**PRE-CONVENTION REPORT:** This report is used by candidates for offices nominated at a Democratic, Libertarian, or Republican political party convention.

Convention candidates file this report instead of the pre-primary report. This report covers the period beginning January 1, of the reporting year, *(or the date the individual becomes a candidate pursuant to IC 3-5-2-6 if after January 1)*, and ending twenty-five (25) days before the convention. This report must be filed with the county election board by **noon** (prevailing local time), eighteen (18) days before the convention. (IC 3-9-5-6; IC 3-9-5-7)

**POST-CONVENTION REPORT:** This report is used by candidates for offices nominated at a Democratic, Libertarian or Republican political party convention and who become candidates after the pre-convention reporting period deadline.

The reporting period for this report begins on the date the individual becomes a candidate pursuant to IC 3-5-2-6 and ends on the day following the adjournment of the convention. This report is due not later than **noon** (prevailing local time), twenty (20) calendar days after the convention convenes. (IC 3-9-5-8)

**NOTE: Convention candidates who filed pre- or post-convention reports will use the day following that reporting period as the beginning of the pre-election reporting period. Thereafter they will follow the normal reporting requirements of a candidate's committee.**

## Candidates Nominated by State Convention

The information below is current as of 2021. Any changes to state law in 2022 will be reflected in the 2023 Campaign Finance Manual.

### CFA-1 Candidate's Statement of Organization and Designation of Principal Committee or Exploratory Committee

A candidate nominated by state convention must file the CFA-1 form not later than the earliest of the following:

- 1) Noon (prevailing local time), ten (10) days after becoming a candidate; or
- 2) The date a candidate is required to file the candidate's first campaign finance report under IC 3-9-5. (IC 3-9-1-5)

### CFA-4 Receipts and Expenditures Report of a Political Committee

A candidate nominated by state convention must file the following reports for a year in which a statewide office election is held:

- 1) A financial report of a candidate's committee that covers the period beginning January 1 of the reporting year, (or the organizational date of the committee if after January 1) and ending March 31 of the year of the report. This report must be filed with the Election Division not later than noon (Indianapolis time) April 15 of the year covered by the report (transferred to Monday, April 18 for 2022). Reports filed electronically must be filed with the Election Division not later than **noon (Indianapolis time), seven (7) days** after the end of the reporting period. (IC 3-9-5-6; IC 3-9-5-7)
- 2) A financial report of a candidate's committee that covers the period beginning April 1 of the reporting year and ending June 30 of the year of the report. This report must be filed with the Election Division not later than noon (Indianapolis time), July 15 of the year covered by the report. Reports filed electronically must be filed with the Election Division not later than **noon (Indianapolis time), seven (7) days** after the end of the reporting period. (IC 3-9-5-6; IC 3-9-5-7)
- 3) A financial report of a candidate's committee that covers the period beginning July 1 of the reporting year and ending September 30 of the year of the report. This report must be filed with the Election Division not later than noon (Indianapolis time), October 15 of the year covered by the report. Reports filed electronically must be filed with the Election Division not later than **noon (Indianapolis time), seven (7) days** after the end of the reporting period. (IC 3-9-5-6 and IC 3-9-5-7)
- 4) A financial report of a candidate's committee that covers the period beginning October 1 of the reporting year through the date that is fifteen (15) days before the date of the election. This report must be filed with the Election Division not later than noon (Indianapolis time), seven (7) days before the date of election. Reports filed electronically must be filed with the Election Division not later than **noon (Indianapolis time), seven (7) days** before the date of the election. (IC 3-9-5-6 and IC 3-9-5-7)
- 5) A financial report of a candidate's committee that covers the period beginning from fourteen (14) days before the date of the election through December 31 of the year of the report. This report must provide cumulative totals from January 1 through December 31 of the year of the report. This report must be filed with the Election Division or by noon (Indianapolis time) on the third Wednesday in January of the following year. Reports filed electronically must be filed with the Election Division not later than **noon (Indianapolis time)** on the third Wednesday in January. (IC 3-9-5-10)

**OUTGOING TREASURER'S REPORT:** If a treasurer is removed, resigns or otherwise vacates the position of treasurer of a campaign finance committee, the outgoing treasurer must file a report not later than thirty (30) days after the vacancy

occurs. This report must cover the period from the most recent report up to the last day the individual was treasurer. This report is filed on a CFA-4 in the usual manner and in the same location as the other reports. (IC 3-9-5-12) The purpose of the outgoing treasurer's report is to enable the new treasurer to assume office with up-to-date records. If the outgoing treasurer is deceased, or is otherwise unable or unwilling to complete this report, the current treasurer should file this report.

**FINAL/DISBANDS COMMITTEE REPORT:** Not later than **noon (Indianapolis time)**, thirty (30) days after a candidate's committee disbands, the last treasurer must file a financial report complete as of the last day the campaign finance committee existed, covering the period since the most recent report. (CFA-4) See the explanation of "Disbanding a Candidate's Committee" under this Chapter of the *Manual* for more information. (IC 3-9-5-11)

## **Candidates Defeated at the Primary Election or Political Party Convention**

The treasurer of a candidate who is required to file a pre-primary or pre-convention report and who is defeated at the primary or convention, is disqualified, or withdraws before the general election **IS NOT** required to file the pre-general election report. Instead, the treasurer must file an annual report the following January covering the period since the previous pre-primary or pre-convention report. (IC 3-9-5-9(c))

## **Minor Party or Independent Candidates Nominated by Petition**

### **CFA-1 Candidate's Statement of Organization and Designation of Principal Committee or Exploratory Committee**

A candidate nominated by petition must file the CFA-1 form not later than the earliest of the following:

- 1) Noon (prevailing local time), ten (10) days after becoming a candidate.
- 2) Noon (prevailing local time), seven (7) days after the final date and hour for filing a petition of nomination under IC 3-8-6.
- 3) The date a candidate is required to file the candidate's first campaign finance report under IC 3-9-5. (IC 3-9-1-5)

### **CFA-4 Receipts and Expenditures Report of a Political Committee**

Independent and minor political party candidates nominated by petition are not required to file a campaign finance report before the "nomination date." The "nomination date" for these candidates is the final date a candidate may file the candidate's certified petition of nomination with the Election Division or appropriate county election board. (IC 3-5-2-32.7)

**The reporting period for the first report (filed on the CFA-4 form) required for a candidate nominated by petition begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date (the deadline for filing certified petitions). (IC 3-9-5-8.2)**

This report must be filed with the Election Division or appropriate county election board not later than noon (prevailing local time), seven (7) days after the end of the reporting period. Reports filed electronically must be filed with the Election Division or county election board not later than noon (prevailing local time), seven (7) days after the end of the reporting period. (IC 3-9-5-6; IC 3-9-5-7)

### **Statewide Candidates Nominated By Petition**

These statewide candidates are required to file the five (5) CFA-4 reports according to the schedule set forth above rather than the schedule that applies to these candidates when seeking a state legislative or local office. (IC 3-9-5-6(e); IC 3-9-5-8.2)

## Write-In Candidates

### **CFA-1 Candidate's Statement of Organization and Designation of Principal Committee or Exploratory Committee**

A write-in candidate must file the CFA-1 form not later than the earliest of the following:

- 1) Noon (prevailing local time), ten (10) days after becoming a candidate.
- 2) Noon (prevailing local time), seven (7) days after the final date and hour for filing a declaration of intent to be a write-in candidate under IC 3-8-2.
- 3) The date a candidate is required to file the candidate's first campaign finance report under IC 3-9-5. (IC 3-9-1-5)

### **CFA-4 Receipts and Expenditures Report of a Political Committee**

Write-in candidates are not required to file campaign finance reports before the "nomination date." The "nomination date" for these candidates is the final date the candidate may file a declaration of intent to be a write-in candidate with the Election Division or appropriate county election board. (IC 3-5-2-32.7)

**The reporting period for the first report (*filed on the CFA-4 form*) required for a write-in candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date (*the deadline for filing a declaration of intent to be a write-in candidate*). (IC 3-9-5-8.4)**

This report must be filed with the Election Division or appropriate county election board by noon (prevailing local time), seven (7) days after the end of the reporting period. Reports filed electronically must be filed with the Election Division or county election board not later than noon (prevailing local time), seven (7) days after the end of the reporting period. (IC 3-9-5-6; IC 3-9-5-7)

### **Write-In Candidates for Statewide Office:**

These candidates are required to file the five (5) CFA-4 reports according to the schedule set forth above rather than the schedule that applies to these candidates when seeking a state legislative or local office. (IC 3-9-5-6(e); IC 3-9-5-8.4)

## Candidates Selected to Fill Ballot Vacancies

### **CFA-1 Candidate's Statement of Organization and Designation of Principal Committee or Exploratory Committee**

A candidate selected to fill a ballot vacancy must file the CFA-1 form not later than the earliest of the following:

- 1) Noon (prevailing local time), ten (10) days after becoming a candidate.
- 2) Noon (prevailing local time), seven (7) days after the final date and hour for filing a certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
- 3) The date a candidate is required to file the candidate's first campaign finance report under IC 3-9-5. (IC 3-9-1-5)

### **CFA-4 Receipts and Expenditures Report of a Political Committee**

Candidates selected to fill ballot vacancies are not required to file campaign finance reports before the "nomination date." The "nomination date" for these candidates is the date the certificate of selection of the candidate is filed with the Election Division or appropriate county election board. (IC 3-5-2-32.7)

**Candidates selected to fill an "early" ballot vacancy (occurring more than 30 days before the general or municipal election):** The reporting period for the first report (*filed on the CFA-4 form*) required for a candidate selected to fill an "early" ballot vacancy begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date (*the date the certificate of selection is filed*). (IC 3-9-5-8.5(c)) This report must be filed with the

Election Division or appropriate county election board by noon (prevailing local time), seven (7) days after the end of the reporting period. Reports filed electronically must be filed with the Election Division or county election board not later than noon (prevailing local time), seven (7) days after the end of the reporting period. (IC 3-9-5-6; IC 3-9-5-7)

**Candidates selected to fill a “late” ballot vacancy (occurring 30 days or less before the general or municipal election):** The reporting period for the first report (*filed on the CFA-4 form*) required for a candidate selected to fill a “late” ballot vacancy begins on the date that the individual became a candidate and ends December 31 following the election. (IC 3-9-5-8.5(d)) This report must be filed with the Election Division or county election board by noon (prevailing local time) on the third Wednesday in January of the following year.

**Candidates Selected to Fill Ballot Vacancies for Statewide Office:** These candidates are required to file the five (5) CFA-4 reports according to the schedule set forth above rather than the schedule that applies to these candidates when seeking a state legislative or local office. (IC 3-9-5-6(e); IC 3-9-5-8.5)

### **Candidate for Local Office with Compensation of Less than \$5,000 per Year**

If a candidate is seeking a local office for which the compensation is less than \$5,000 per year, this candidate **IS NOT REQUIRED TO FILE ANY CAMPAIGN FINANCE STATEMENT OR REPORT WITH A COUNTY ELECTION BOARD UNLESS THE CANDIDATE RECEIVES MORE THAN \$500 IN CONTRIBUTIONS OR MAKES MORE THAN \$500 IN EXPENDITURES.** (IC 3-9-1-5.5)

Once the candidate crosses the \$500 threshold in contributions or expenditures, the candidate must file a Statement of Organization (*CFA-1 form*) to establish a principal candidate’s committee not later than noon (prevailing local time), ten (10) days after crossing this threshold. The candidate will then file campaign finance reports (*CFA-4 forms*) in the same manner as other candidates until the committee disbands. (IC 3-9-5-6; IC 3-9-5-7)

To determine whether an office receives more than \$5,000 in compensation per year, the total salary that an individual receives must be computed, even if the funds come from different local government accounts. For example, if a town budget ordinance provides for the town clerk-treasurer to receive \$4,000 as a base salary for the office and also allots \$6,000 to the town clerk-treasurer for work performed for a town utility, then the total compensation to the town clerk-treasurer is \$10,000 for campaign finance reporting purposes. A declared candidate for the office in this example must file reports with the county election board regardless of whether the candidate has raised more than \$500 in contributions or spent more than \$500 in expenditures.

### **Candidates for School Board Offices**

A candidate for school board office is **NOT REQUIRED TO FILE ANY CAMPAIGN FINANCE REPORT OR STATEMENT WITH A COUNTY ELECTION BOARD UNLESS THE CANDIDATE’S COMMITTEE RECEIVES MORE THAN \$500 IN CONTRIBUTIONS OR MAKES MORE THAN \$500 IN EXPENDITURES.** (IC 3-9-1-5.5)

Once the candidate crosses the \$500 threshold in contributions or expenditures, the candidate must file a Statement of Organization (*CFA-1 form*) to establish a principal candidate’s committee not later than **noon (prevailing local time), ten (10) days** after crossing this threshold. The candidate will then file campaign finance reports (*CFA-4 forms*) in the same manner as other candidates until the committee disbands. (IC 3-9-5-6; IC 3-9-5-7)

# Notice from Organization or Other Campaign Finance Committee to Candidate's Committee

## CFA-5 Notice to Candidate's Committee

This form is used by any organization or other campaign finance committee (*including another candidate's committee*) to notify a candidate's committee of either:

- 1) receipt of a contribution on behalf of the candidate's committee, or
- 2) the expenditure of funds by the committee on behalf of a candidate's committee, if the expenditure is made in support of the candidate who is specifically identifiable, or the expenditure is made in opposition to an opponent of the candidate who is specifically identifiable. (IC 3-9-5-15)

An expenditure is not considered to be made on behalf of a candidate if the expenditure is made to inform the members of the organization or the development of the committee's political party.

When any of the above listed events occur, this notice must be transmitted immediately to the candidate's committee. Failure to do so may create discrepancies in the Receipts and Expenditures Reports of the candidate's committee.

The CFA-5 notice must contain **ALL** information required for the candidate's committee to properly report the contribution on the CFA-4 or CFA-11 report. This form is not to be filed with the Election Division or any county election board, but must be maintained as part of the records of the candidate's committee for the same period of time as required for all other records. (IC 3-9-5-15)

## Contributions

### Definition

A **contribution** is any donation accepted by a candidate's committee and made for the purpose of influencing an Indiana election. A "contribution" includes cash, checks, gifts of property or services, loans, in-kind contributions, or any other things received by the committee having value. Contributions may be made by an individual, business, profit or non-profit corporation, trade association, labor organization, regular party committee, candidate's committee, or any other type of organization. (IC 3-5-2-15)

**A contribution is considered to be received and accepted** by a committee when any member of the committee:

- 1) has physical possession of the contribution; and
- 2) manifests an intent to keep the contribution by depositing the contribution, subject to IC 3-9-5-14(c). (IC 3-9-1-25)

**A person makes a contribution** during the calendar year in which the person relinquishes control over the contribution by (1) depositing the contribution in the United States mail; or (2) transferring the contribution to any other person who has been directed to convey the contribution to the person intended to be the recipient of the contribution. (IC 3-9-1-25.5)

### Returning or Refunding Contributions

On occasion, a committee may decide not to accept all or part of a contribution. This may occur because the contributor is prohibited under state law from making any contribution (*a foreign national, for example*), or because the contributor has made a contribution that exceeds the total amount allowed in that calendar year (*a corporation or labor union, for example*). A committee may also decide not to accept all or part of a contribution for purely political reasons.

If a committee has not "received and accepted" the contribution by depositing the contribution in an account, or otherwise using this money (see IC 3-9-1-25), then the committee may **simply return** the contribution to the contributor. In this case, the committee is **not** required to report that the contribution was received or returned or to otherwise refer to this contribution on the committee's report.

If the committee has received and accepted the contribution by depositing the contribution in an account or otherwise using this money (see IC 3-9-1-25), then the committee **may refund** the contribution (*typically by sending a check in that amount to the contributor*). However, the committee **must** report the contribution on the appropriate contributor schedule (CFA-4 Schedule A-1, for example) and **must** report the refund of the contribution on CFA-4 Schedule B if the committee chooses to refund the contribution.

### **Candidate's Contribution**

A candidate may make contributions to the candidate's own committee or to another campaign finance committee. Candidate contributions include expenditures made by the candidate from the candidate's personal funds to further the candidate's candidacy. Thus, if a candidate gives money to the candidate's committee, this money must be treated as a contribution or a loan and appropriately designated on CFA-4 Schedule A-1. In addition, all loans must be listed as a debt owned by the committee on CFA-4 Schedule D.

If a candidate makes a direct expenditure from the candidate's own funds for a political purpose, this money must be reported as a contribution or loan and then as an expenditure; in other words, as an in-kind contribution. For example, Judge Judy purchased \$750 in yard signs using her own personal funds, and does not want it reported as a loan. This direct expenditure would still need to be reported as an in-kind contribution made by Judy and reported on the CFA-1 Schedule A-1 (contributions) and Schedule B (expenditures). (See below for more information about in-kind contributions.)

If a candidate makes a contribution or a direct expenditure to the candidate's own committee in excess of \$1,000 or more in one lump sum or aggregate during the supplemental reporting period, then a CFA-11 report ("48-hour" contribution report) must be filed. For example, Daniel Dogcatcher loaned his committee \$2000 during the supplemental filing period before the primary election. The loan is considered a contribution and must be disclosed and a CFA-11 report must be timely filed.

### **In-Kind Contribution**

In-kind contributions are generally those contributions of things or services (*such as posters, billboards, use of automobile, free lodging or any other type of property or services*) that are paid for by another person or entity and then given to the committee or distributed by another for the benefit of the reporting committee. An in-kind contribution **does not** include a donation of cash, checks, or promissory notes. (IC 3-5-2-15)

**Example:** A private individual or a committee printed and distributed 1,000 posters using the reporting candidate's picture and name, with the candidate's approval. The posters would be an in-kind contribution to the candidate's committee. If the posters have a fair market value of \$250, this amount should be listed on Schedule A **and also** on Schedule B of the CFA-4 form.

The reason for the double entry of the value of an in-kind contribution (on the contribution schedule and the expenditure schedule of the CFA-4) is that the receipt by a committee of a non-cash item (*posters, lodging, transportation, etc.*) is considered the same as receiving the value of the goods or services in money and then spending that money to obtain the goods or services. In-kind contributions are itemized generally under the same guidelines as itemized contributions, except when between campaign finance committees. (*In that situation, the contribution would be considered a "Transfer-In."*)

### **Itemized Contribution**

Itemized contributions are those contributions received by a candidate's committee from a contributor whose individual contributions or cumulative (*aggregate*) contributions exceed \$100 during any calendar year. Thus, if a donor makes one contribution of more than \$100 in a year, then the name and address of the donor and the amounts and dates of this and each subsequent contributions must be itemized (*listed*) on Schedule A of the CFA-4 form. The total of all itemized contributions per reporting period must be entered in Column A on line 15(a) of the CFA-4 Summary Sheet. It is not

necessary to amend previously filed reports to itemize contributions of less than \$100 given during the year **before** the individual crossed the threshold for itemization. (IC 3-9-5-14)

### **Contributions from Joint Accounts**

If a committee receives an itemized contribution from an account held by more than one person (*the most common example being spouses whose names are both on a checking account*), the contribution should be listed on the CFA-4 schedules as having been made by the person who signed the check. If the check is signed by both persons, or the check is accompanied by a written statement specifying that each person is a contributor and the amount of the contribution to be attributed to each, then the contribution should be listed on the CFA-4 schedules accordingly. If it is impossible to assign the contribution to one individual using these rules, then put the names of both individuals as the contributor on Schedule A-1.

### **Unitemized Contributions**

Unitemized contributions are those contributions received by a candidate's committee from contributors whose total contributions for a calendar year do not exceed \$100. Thus, if a donor makes one contribution per year of \$100 or less or several contributions whose total is less than \$100 for the year, then the total the donor gave is not itemized. Instead, it is totaled with all other similar unitemized contributions as reported on the CFA-4 Summary Sheet in Column A on line 15(b). (IC 3-9-5-14)

**Note: If during the calendar year the cumulative contributions from any individual total \$100.01 or more, then the contribution must be itemized by identifying the individual on the appropriate Schedule A of the CFA-4 Report.**

**Example:** Mr. Smith gives \$10 to primary candidate Jones in March, which was totaled with the other unitemized contributions for the pre-primary report. Mr. Smith contributes another \$101 in June and \$10 in September to candidate Jones. The June and September contributions must be itemized on the October report, bringing the year to date total for Mr. Smith to \$121 (\$10 + \$101 + \$10). The pre-primary report does not need to be amended to itemize Mr. Smith's March contribution as it is noted in the year-to-date total on the October report.

### **Limitations on Contributions**

The most significant limitations on contributions contained in the Campaign Finance Act apply to corporations, labor organizations, candidates for statewide office, state legislative candidates, certain judges, and certain state employees. (See the "Corporations and Labor Organizations" section later in this Manual for further information on contribution limitations.)

- A. **Statewide Candidates:** An individual who holds a state office (a "statewide" office) or who is a candidate for state office, or the candidate's committee of a candidate for state office, may not solicit contributions, accept campaign contributions, or conduct other fundraising activities during the period beginning on the day in January in each odd-numbered year when the general assembly reconvenes and ending on the day in the odd-numbered year when the general assembly adjourns sine die. This restriction does not prohibit a state officeholder or a candidate for state office from participating in party activities conducted by a regular party committee.
- B. **State Legislative Candidates:** A candidate for a state legislative office (*whether an incumbent state legislator, or not*) and the candidate's committee may not solicit or accept campaign contributions or conduct other fundraising activity during the "long session" (*odd-numbered years*). The "long session" begins for the purpose of the prohibition when the General Assembly reconvenes in January. This prohibition ends when the General Assembly adjourns sine die in an odd-numbered year.

This prohibition **does not** apply in even-numbered years (*such as 2022, for example*), although the House, Senate, or legislative caucus committees may have adopted rules restricting activity by the committee or its members. This

prohibition **does not** apply to legislative candidates participating in regular party committee activities. Contact the respective legislative caucus for information on this issue. (IC 3-9-2-12)

- C. **Judicial Candidates:** Candidates for election to (*or retention in*) judicial office are governed by *The Code of Judicial Conduct*, which restricts political activity including the acceptance of contributions by these candidates. Contact Indiana Office of Court Services (formerly State Court Administration) at (317) 232-2542 or (317) 232-1313 for more information regarding these restrictions.
- D. **Allen County Superior Court Judge Candidates:** A special statute (IC 33-33-2-11) limits the amount of contributions that may be accepted by candidates for this office to a total of \$10,000 from all sources, and prohibits contributions from political parties and political action committees to their candidates.
- E. **Lake County Superior Court Judge Candidates:** A special statute, which only applies to Lake County superior court judges (IC 33-33-45-44(c)), provides that a political party shall not directly or indirectly campaign for or against a judge who is subject to a retention vote under IC 33-33-45.
- F. **State Employees:** Although most state officers and employees have the right to make contributions to candidates and participate fully in the political process (IC 4-15-10-2), some officers and employees may not solicit or receive contributions. Refer to the statutes listed below for detailed information:
  - 1) The Alcohol and Tobacco Commission is prohibited from the following pursuant to IC 7.1-2-1-12:  
A commissioner may not solicit or accept a political contribution from any person or entity that has a permit or has applied for a permit issued by the commission. However, the right of a commissioner to vote as the commissioner chooses and to express the commissioner's opinions on political subjects and candidates may not be impaired.
  - 2) The Indiana Ethics Commission enforces the following administrative rule, 42 IAC 1-5-4 Political Activity:
    - a. state employee or special state appointee shall not engage in political activity including solicitation of political contributions from:
      - 1. another employee or special state appointee; or any other person;
      - 2. when on duty or acting in an official capacity.
    - b. This section does not prohibit a state employee or special state appointee from engaging in such activity when not on duty.
    - c. A state employee or special state appointee shall not solicit political contributions at any time from:
      - 1. persons whom the employee or special state appointee knows to have a business relationship with the employee's or the special state appointee's agency; or
      - 2. state employees or special state appointees directly supervised by the employee or the special state appointee.
    - d. The appointing authority of an agency and all employees or special state appointees with purchasing or procurement authority on behalf of the state shall not solicit political contributions on behalf of any candidate for public office, unless that individual is a candidate for public office himself or herself.

## **Prohibited Contributions**

No contribution may be lawfully made unless it is made to a candidate's committee or to a person authorized by law to accept contributions. Other prohibitions in state law apply to foreign nationals and individuals and other entities involved in the regulated gaming industries. (See "*Prohibited Contributors*" section later in this Manual for detailed information.)

## **Separate Personal Funds from Campaign Funds**

All funds of a candidate's committee that accept contributions or makes expenditures in an aggregate amount of more than two hundred dollars (\$200) in a year must be segregated from and not commingled with any personal funds of officers, members, or associates of the committee. (IC 3-9-2-9) In other words, most candidate committees will need to

open a separate bank account for campaign finance purposes. Committees should work with the financial institution to determine what, if any, additional information is needed to open the account. Committees may be required to contact the Internal Revenue Service to obtain an “employer identification number” to open the account.

### **Joint Fundraisers by Candidates**

On occasion, two or more candidates may wish to conduct a campaign fundraising event and to share in the proceeds. If a contribution to participate in the fundraiser is made to one candidate’s committee, and a percentage of the funds is then transferred to one or more other candidates, a question may arise whether the transaction has violated IC 3-14-1-11, which prohibits making or accepting a contribution in the name of another person.

Although the contributor clearly intended to make a contribution to both candidates, the contributor’s name would appear only on one campaign finance report and would not be identified in the report of the committee receiving the transferred funds.

The safest solution to this problem may be to have the event hosted by a political action committee, which would report contributions on its report, and then report the transfer of funds to each candidate committee. A political action committee may be specially created for this purpose and then dissolved following the fundraising event. (See *Chapter 4 for detailed information concerning political action committees.*)

## **Expenditures**

### **Definition**

An **expenditure** is any payment, transfer or disbursement of money or things of value to another for political purposes. All expenditures made by a campaign finance committee must be reported on the Report of Receipts and Expenditures of a Candidate’s Committee (CFA-4) for the period in which the expenditure was made. (IC 3-5-2-23)

### **Double Entry Method for Candidate Expenditures**

If a candidate expends the candidate’s own personal funds for political purposes, the amounts must be reported as a contribution to the candidate’s principal committee and then as an expenditure by the candidate’s committee.

### **Itemized Expenditure**

Expenditures made by a campaign finance committee to an individual, business, group or others when the total (*aggregate or cumulative*) of the individual payments exceed \$100 during any calendar year or reporting period must be itemized.

**Example:** If a committee makes a payment that totals more than \$100 for the year, then the individual receiving the payment from the committee must be itemized (*listed*) on Schedule B of the CFA-4. The total of all itemized expenditures per reporting period must be entered in Column A on line 17(a) of the CFA-4 Summary Sheet. (IC 3-9-5-14)

### **Reporting In-Kind Expenditures for Joint Fundraisers**

On occasion, more than one candidate may join together for a fundraising event. Candidate A agrees to make expenditures before the event to pay for the fundraising costs, with the understanding that Candidate B will reimburse Candidate A for a portion of the total costs. If this occurs, Candidate B should report this reimbursement as an expenditure on the date funds are transferred to Candidate A, which may not necessarily be the same date of the joint fundraiser.

## **Unitemized Expenditure**

Expenditures made by a campaign finance committee to an individual, business, group, or others, the total of which does not exceed \$100 during any calendar year may be reported as unitemized expenditures. The total of all unitemized expenditures per reporting period must be entered on line 17b of the Summary Sheet on the CFA-4. (IC 3-9-5-14)

**Money received by a candidate or any committee as a contribution may not be used for primarily personal purposes by the candidate, the committee, or by any other person except as described below. (IC 3-9-3-4)**

## **Prohibited Expenditures**

It is unlawful for any person, other than a treasurer, to pay any of the expenses of any committee, except as provided by law. A candidate's committee or any person may not collect, receive, keep, or disburse money or other things of value for political purposes, unless a treasurer has been appointed **and unless such money or things so received, disbursed, or expended have passed through the hands of the treasurer.** (IC 3-9-4-16(a)(3); IC 3-9-4-17(a)(3))

**Money received by a candidate or committee as a contribution may be used only:**

- 1) To defray any expenses reasonably related to the person's or committee's:
  - Campaign for federal, statewide, state legislative, or local offices;
  - Continuing political activity; or
  - Activity related to service in an elected office;
- 2) To make an expenditure to any national, state, or local committee of any political party or another candidate's committee; or
- 3) Upon dissolution of a committee, in a manner permitted under IC 3-9-1-12.

**A person who knowingly or intentionally violates IC 3-9-3-4 commits a Class A infraction and may be subject to a judgment of up to \$10,000 or a civil penalty of up to \$1,000 assessed by the Commission or the appropriate county election board.** (IC 3-14-1-16; IC 3-9-4-16; IC 3-9-4-17)

## **Expenditure Codes**

**All campaign finance committees MUST enter an expenditure code for each itemized expenditure made by the committee.** (IC 3-9-4-4) The committee must enter one of the four (4) codes listed below in the box at the upper left corner of the "Recipient's Name and Mailing Address" section on Schedule B of the CFA-4 form. The reverse side of the form contains instructions regarding these codes. The expenditure codes committees must use are as follows:

**Code: C**  
**Expenditure Type: Contributions**  
**Expenditure Definition:** Direct and in-kind contributions the campaign can legally make to other campaigns, political action committees, community and charitable organizations. In the description column, the filer is directed to specify who benefited and, if in-kind, what was purchased.

**Code: F**  
**Expenditure Type: Fundraising**  
**Expenditure Definition:** Expenditures, direct or in-kind, associated with holding a fundraiser, including payments to restaurants, hotels and caterers, other food and refreshment vendors, entertainers, and speakers.

*\*Filers are directed to use an "A" for expenditures for printed matter produced in connection with fundraising events.*

**Code:** A

**Expenditure Type:** Advertising

**Expenditure Definition:** Expenditures associated with the production, design, photography, copy, layout, printing, reproduction and purchase of advertising and campaign communications including:

- Radio and television advertising
- Advertising in newspapers, periodicals, and other publications
- Advertisements on billboards and yard signs
- Campaign paraphernalia such as buttons, bumper stickers, T-shirts, hats, etc.
- Websites
- Campaign literature
- Printed solicitations
- Fundraising letters
- Mailing lists

**Code:** O

**Expenditure Type:** Operations

**Expenditure Definition:** General campaign operating expenses and overhead including:

- Wages, salaries and benefits associated with hiring campaign employees and other paid workers who provide miscellaneous services
- Contracts, fees, and commissions paid to campaign management companies and contract consultants including law firms
- Headquarters purchase or rental
- Utilities
- Purchase or rental of office equipment and furniture for the campaign
- Surveys and Polls – Including expenditures associated with the design and production of polls, election trend reports, voter surveys, telemarketing, telephone banks, Get out the Vote drives, etc.
- Postage – Including stamps, or metered postage, direct mail services and delivery services like United Parcel Services and Federal Express
- Travel – Including fares, accommodations and meals from campaign trips

**Penalty:** A report without the required expenditure codes is considered a defective report. The committee may be subject to a possible civil penalty of \$10 a day up to \$100 plus any investigative costs if the defect is not timely corrected. (See *Chapter 10 for more information about the penalty for defective reports.*)

## Debts

**Debts (*Loans*):** Debts (*loans*) include all money or things of value that must be repaid or returned. Debts include, but are not limited to, amount of monies or items borrowed, credit purchases, credit card accounts, or other unpaid debts.

- Debts **owed by** a committee (*Schedule D, CFA-4*) are those items borrowed by the reporting committee from an individual, business, lending institution, credit card company or another committee.
- Debts **owed to** a committee (*Schedule E, CFA-4*) are those items that the reporting committee has loaned to another committee or other entity with the requirement that the item or money be returned. (IC 3-9-5-14)

If a committee pays a debt owed by the committee, and does so by mailing a check to the creditor, the committee should indicate that the debt has been paid as of the date the check was mailed or otherwise delivered to the creditor.

If the creditor does not deposit the committee's check, or for any other reason the check does not clear the committee's account before the end of the reporting period, the committee's report should nonetheless show the debt as paid by the committee. However, if the check remains outstanding at the end of the following reporting period, it may be necessary for the committee to amend its earlier report to reconcile the balances shown on the summary sheet of the CFA-4.

**Credit Purchases:** Credit cards, credit accounts, etc., must be listed on the Debts Owed By the Committee, CFA-4 Schedule D, to the extent that there is still an outstanding balance (*amount still owing*). However, any payment made to pay off a credit purchase is considered an expenditure and the vendor or individual must be itemized as such.

**Investments:** Money received as a contribution may be invested by a committee in an account with a financial institution, savings and loan association, or credit union, or in any equity account. Any loss resulting from an investment may be reported as a committee expenditure. Any gain resulting from an investment must be reported as income.

## **Indiana Election Commission Advisory Opinion 2001-01**

### **Concerning Expenditures Permitted under IC 3-9-3-4 Regarding the Payment of Salaries or Reimbursement of Lost Wages and Expenses to Candidates by a Candidate's Committee**

The Indiana Election Commission has adopted Advisory Opinion 2001-01 allowing for a candidate and a candidate's committee to execute a written contract providing that the committee will pay a salary to the candidate or a member of a candidate's household or reimburse the candidate for lost wages. This written contract must contain certain elements set forth in the Advisory Opinion included in this Manual under the Appendix. This contract must be filed with the office in which the committee is required to file the CFA-4 form before any payment is made under the contract.

## **Filing of Campaign Finance Reports**

### **Facsimile (FAX) Filings**

A county election board is not required to accept a campaign finance report for a candidate's committee sent by facsimile transmission unless the county election board has approved a policy permitting a campaign finance report or statement to be submitted by facsimile transmission. Judicial and local candidates are directed to check with the appropriate county election board for more information regarding the county's FAX policy.

### **E-Mail Filing**

Candidate committees filing with the county election board may submit their campaign finance reports via e-mail, if the office has the ability to receive e-mail, and electronically record the date and time that the e-mail is received by the office, , and can print out a hard copy of the report after receiving the electronic copy. (IC 3-9-5-7) Candidate committees filing with the county election board should confirm that the county election board is able to accept e-mailed filings.

### **Online Filing**

The Indiana Election Division is required to notify each candidate's committee that is required to file with the Election Division that the Election Division will provide (*at the candidate's request and at no cost*) a standardized online database to permit the committee to generate an electronic version of the campaign finance reports and statements required to be filed with the Election Division. However, the Election Division is not required to provide or alter the database to make the program compatible for installation or operation on a specific computer. (IC 3-9-4-4)

### **State legislative and statewide candidates are required by law to file campaign finance reports electronically!**

The online system is not designed for local candidates. Please contact your county election board to inquire if such a system is available through their office. For further information regarding online filing, contact the Election Division at (800) 622-4941 or (317) 232-3939 or send an e-mail to [campaignfinance@iec.IN.gov](mailto:campaignfinance@iec.IN.gov).

## Filing Reminders

**NOTE: The Indiana Election Division discourages submitting reports by regular mail, without signature confirmation of receipt.** If a report is delayed or not received by the county election board before the applicable deadline, keep in mind that a postmark is not considered the date that the report is filed. Instead, a mailed report must be in the possession of the county election board and file stamped to meet the deadline.

Sending reports by certified U.S. mail can result in delivery delays due to the tracking procedures used by USPS for such mail. Likewise, the Indiana Election Division cautions against sending reports by fax near the deadline for the report to be filed. Large numbers of fax filings can result in delays due to the time required for each fax report to be printed out.

Instead, every committee filing with the Indiana Election Division is encouraged to file reports electronically through [campaignfinance.in.gov](http://campaignfinance.in.gov). The Campaign Finance staff is happy to assist you with setting up an account for you to do so conveniently, and with the certainty that your report has been received by the filing deadline. Judicial officers and local candidates should contact the county election board to confirm their capacity to receive e-mail or FAX filings.

## **Internet Publishing of Campaign Finance Reports**

The Indiana Election Division has a Campaign Finance Database that makes the information contained in the campaign finance reports filed with the Division available in a searchable, digital form on the Internet. The state's website does not contain campaign finance reports for local candidates (including judicial officers and prosecuting attorneys) or political action committees or regular party committees that do not support state candidates. Please contact your county election board to inquire if such a system is available through their office.

All reports filed with the Division are published on the Election Division's Internet home page [in.gov/sos/elections](http://in.gov/sos/elections) and on the state's campaign finance website [campaignfinance.in.gov](http://campaignfinance.in.gov).

The Election Division strives to ensure that all entries on the website concerning a committee's campaign finance reports are accurate and complete. However, due to large volumes of data entry and short deadlines for publishing reports before elections, some errors can be expected to occur. If you discover an error or have a question regarding the Internet publication of a report, please contact the Election Division as soon as possible. We will work to resolve any problem quickly.

## **Audits & Inquiries**

The Election Division campaign finance staff or the county election board may contact your committee advising that a report or statement of organization is delinquent or defective, asking for clarification of a report or statement, or requesting information promptly.

### Defective & Delinquent Reports

The Election Division and each county election board shall:

- 1) Ascertain whether candidates, committees or other persons have failed to file statements of organization or reports or have filed defective statements of organization or defective reports.
- 2) Give notice to **delinquent committees** to file a statement of organization or a report immediately upon receipt of notice.
- 3) Give notice to a committee filing a **defective** report to file a report to correct the defective report not later than noon (prevailing local time), five (5) calendar days after receiving the notice.
- 4) Make available for public inspection a list of delinquent reports and persons who fail to file the required statements and reports. The Election Division and each county election board shall post a list of delinquent

committees in a public place at or near the entrance of the Division's or election board's respective offices. (IC 3-9-4-14 (a)(3))

**DELINQUENT REPORT FINES:** A person who fails to file a required statement or report is subject to a civil penalty of up to \$1,000 to be assessed by the Commission, or county election board, for the delinquent report. The penalty is \$50 per calendar day with the afternoon of the deadline day counting as the first day. The Commission or county election board may add investigative costs to the penalty. (IC 3-9-4-16(c); IC 3-9-4-17(c))

**A person who fails to file a report required by the Campaign Finance Act with the appropriate office commits a Class B misdemeanor and is subject to a \$1,000 fine, 180 days imprisonment, or both. (IC 3-14-1-14)**

**DEFECTIVE REPORT FINES:** A person who fails to file a correction to a defective report after being notified to do so is subject to a civil penalty up to \$100 to be assessed by the Commission, county election board, or both. The penalty is \$10 per calendar day, with the afternoon of the fifth (5<sup>th</sup>) day after receipt of the notice counting as the first day. The Commission or county election board may add investigative costs to the penalty. (IC 3-9-4-16(b); IC 3-9-4-17(b))

**A person who knowingly files a fraudulent report commits a Level 6 felony, and is subject to a \$10,000 fine, two and one-half years imprisonment, or both. (IC 3-14-1-13)**

**OTHER PROHIBITIONS:** State legislative candidate's committees that violate the prohibition against fundraising during a "long session" are subject to a civil penalty to be assessed by the Commission. This penalty is equal to the greater of \$1,000 or two times the amount of the contribution received. (IC 3-9-4-16(f))

A candidate for Allen County Superior Court Judge who exceeds the special limits applicable to those candidates is also subject to a Class B misdemeanor penalty along with a civil penalty to be assessed by the Allen county election board of no more than three times the amount of the excess contribution. (IC 3-14-1-10.5)

## **Disbanding a Candidate's Committee**

A candidate's committee may disband at any time by giving written notification and filing a final report (*CFA-4 form*) with the Election Division or appropriate county election board.

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**Be certain to CHECK THE FINAL/DISBANDS BOX in section 11 of the CFA-4 Summary Sheet indicating that this is the final report of the committee and that it has disbanded. Otherwise, the committee will remain open and the candidate's committee will be required to file an annual report the third Wednesday of each January that the committee remains open.**

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If there are surplus funds, the committee may transfer the funds before disbanding to one or any combination of the following:

- 1) one or more regular party committees;
- 2) one or more candidate's committees;
- 3) the Election Division;
- 4) an organization exempt from Federal income taxation under section 501 of the Internal Revenue Code; and/or
- 5) contributors to the committee (*on a pro rata basis*). (IC 3-9-1-12)

The funds may also be used to:

- 1) defray any expense reasonably related to the candidate or committee's campaign for office;
- 2) continuing political activity, or activity related to service in an elected office; and/or
- 3) to make an expenditure to any political party committee or another candidate's committee. (IC 3-9-3-4)

**A dissolution and transfer of funds does not relieve the committee or its members from civil or criminal liability.  
(IC 3-9-1-12(g))**

## **Federal Tax Information**

If a committee treasurer wants to open a bank account, the bank will require an employer identification number. For more information on obtaining this number, call the IRS at 800-829-4933. The Indiana Election Division and the county election board cannot assist you with obtaining this employer identification number.