

# SENATE BILL No. 233

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-9.

**Synopsis:** Powers and duties of the election commission. Separates out the procedures for how a county election board and the Indiana election commission (commission) may administratively disband certain committees into two different sections of the Indiana Code. Allows the commission to administratively disband a committee if: (1) the committee has not filed a report of expenditures during the previous calendar year; (2) the committee has never filed a report of expenditures or the last report filed reported cash on hand that did not exceed \$1,000; and (3) the election division has attempted to contact the committee but the communication was returned or otherwise undeliverable. Removes the discretion of the commission with respect to certain civil penalties that may be imposed and instead requires the commission to impose the civil penalties. Requires the commission to assess a civil penalty of \$1,000 or \$500, plus investigative costs, for certain violations. Provides that a \$500 civil penalty shall be assessed for a violation of certain electronic filing requirements.

**Effective:** Upon passage.

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## Gaskill

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January 8, 2026, read first time and referred to Committee on Elections.

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Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

## SENATE BILL No. 233

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 3-9-1-12, AS AMENDED BY P.L.225-2011,  
2       SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 12. (a) A committee **whose statement of**  
4       **organization has been filed with a county election board** may  
5       disband at any time in the manner prescribed by this section.

6       (b) ~~The commission or~~ A county election board may  
7       administratively disband a committee in the manner prescribed by this  
8       section.

9       (c) ~~The commission has exclusive jurisdiction to disband any of the~~  
10      ~~following:~~

11       (1) ~~A candidate's committee for state office.~~

12       (2) ~~A candidate's committee for legislative office.~~

13       (3) ~~A legislative caucus committee.~~

14       (4) ~~A political action committee that has filed a statement or~~  
15       ~~report with the election division.~~

16       (5) ~~A regular party committee that has filed a statement or report~~  
17       ~~with the election division.~~



1       ~~(d)~~ (c) A county election board has exclusive jurisdiction to disband  
 2 any of the following:

- 3       (1) A candidate's committee for a local office.  
 4       (2) A candidate's committee for a school board office.  
 5       (3) A political action committee that has filed a statement or  
 6 report with the election board, unless the political action  
 7 committee has also filed a report with the election division.  
 8       (4) A regular party committee that has filed a statement or report  
 9 with the election board, unless the regular party committee has  
 10 also filed a report with the election division.

11       ~~(e)~~ (d) ~~The commission or~~ A county election board may  
 12 administratively disband a committee in the following manner:

13       (1) Not later than the last Friday of January of each year, the  
 14 ~~election division or~~ county election board shall review the list of  
 15 committees that have filed statements of organization with the  
 16 ~~division or~~ board under this article.

17       (2) If the ~~election division or~~ county election board determines  
 18 both of the following, the ~~election division or~~ county election  
 19 board may begin a proceeding before the ~~commission or~~ board to  
 20 administratively disband the committee:

21           (A) The committee has not filed any report of expenditures  
 22 during the previous three (3) calendar years.

23           (B) The committee last reported cash on hand in an amount  
 24 that does not exceed one thousand dollars (\$1,000), if the  
 25 committee filed a report under this article.

26       (3) The ~~election division or~~ county election board shall provide  
 27 notice of the proceeding by certified mail to the last known  
 28 address of the chairman and treasurer of the committee.

29       (4) The ~~commission or~~ board may issue an order administratively  
 30 dissolving the committee if the ~~commission or~~ board makes the  
 31 following findings:

32           (A) There is no evidence that the committee continues to  
 33 receive contributions, make expenditures, or otherwise  
 34 function as a committee.

35           (B) According to the best evidence available to the  
 36 ~~commission or~~ board, the dissolution of the committee will not  
 37 impair any contract or impede the collection of a debt or  
 38 judgment by any person.

39       (5) If the ~~commission or~~ board:

40           (A) administratively dissolves a committee under subdivision

41           (4); and

42           (B) finds that the prudent use of public resources makes



1 further efforts to collect any outstanding civil penalty imposed  
 2 against the committee wasteful or unjust;  
 3 the ~~commission or~~ board may also waive the outstanding civil  
 4 penalty previously imposed by the ~~commission or~~ board against  
 5 the committee.

6 ~~(6) The election division shall arrange for the publication in the~~  
 7 ~~Indiana Register of an order administratively disbanding a~~  
 8 ~~committee.~~ A county election board shall publish a notice under  
 9 IC 5-3-1 stating that the board has disbanded a committee under  
 10 this subsection. The notice must state the date of the order and the  
 11 name of the committee, but the board is not required to publish  
 12 the text of the order.

13 (7) An order issued under this subsection takes effect immediately  
 14 upon its adoption, unless otherwise specified in the order.

15 ~~(f)~~ (e) If the chairman or treasurer of a committee wishes to disband  
 16 the committee, the committee must do either of the following:

17 (1) Give written notification of the dissolution and transfer a  
 18 surplus of contributions less expenditures to any one (1) or a  
 19 combination of the following:

20 (A) One (1) or more regular party committees.

21 (B) One (1) or more candidate's committees.

22 (C) The election division.

23 (D) An organization exempt from federal income taxation  
 24 under Section 501 of the Internal Revenue Code.

25 (E) Contributors to the committee, on a pro rata basis.

26 (2) Use the surplus in any other manner permitted under  
 27 IC 3-9-3-4.

28 ~~(g)~~ (f) Except as provided in subsection ~~(e)~~ (d) concerning the  
 29 waiver of civil penalties, a dissolution or transfer of funds does not  
 30 relieve the committee or the committee's members from any:

31 (1) civil liability, including the liability of the committee's  
 32 chairman or treasurer for the payment of any debts incurred by or  
 33 on behalf of the committee; or

34 (2) criminal liability.

35 SECTION 2. IC 3-9-1-12.5 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: **Sec. 12.5. (a) A committee whose statement of**  
 38 **organization has been filed with the election division may disband**  
 39 **at any time in the manner prescribed by this section.**

40 **(b) The commission may administratively disband a committee**  
 41 **in the manner prescribed by this section.**

42 **(c) The commission has exclusive jurisdiction to disband any of**



the following:

- (1) A candidate's committee for state office.
- (2) A candidate's committee for legislative office.
- (3) A legislative caucus committee.
- (4) A political action committee that has filed a statement or report with the election division.
- (5) A regular party committee that has filed a statement or report with the election division.

(d) The commission may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the election division shall review the list of committees that have filed statements of organization with the division under this article.

(2) If the election division determines the following, the election division may begin a proceeding before the commission to administratively disband the committee:

(A) The committee has not filed a report of expenditures during the previous calendar year.

(B) The committee has never filed a report of expenditures or the last report filed by the committee reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000).

(C) The election division has attempted to contact the committee:

(i) by United States mail during the previous calendar year to provide notice of upcoming deadlines to file a report of expenditures, but the communication has been returned by the United States Postal Service due to an unknown or insufficient address; or

(ii) by electronic mail, if the committee provided an electronic mail address to the election division, but the electronic mail was returned as undeliverable.

(3) The election division shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission may issue an order administratively dissolving the committee if the commission makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.



(B) According to the best evidence available to the commission, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person or impair the prosecution of any violation of criminal law.

(5) If the commission:

(A) administratively dissolves a committee under subdivision (4); and

(B) finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust;

the commission may also waive the outstanding civil penalty previously imposed by the commission against the committee.

(6) The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee.

(7) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(e) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.

(C) The election division.

(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(E) Contributors to the committee, on a pro rata basis.

(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(f) Except as provided in subsection (d) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from any:

(1) civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by or on behalf of the committee; or

(2) criminal liability.

SECTION 3. IC 3-9-4-16, AS AMENDED BY P.L.225-2011, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 16. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

- (1) Fails to file with the election division a report in the manner required under IC 3-9-5.
- (2) Fails to file a statement of organization required under IC 3-9-1.
- (3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
- (4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions on the committee's behalf.
- (5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.
- (6) Makes a contribution in the name of another person.
- (7) Accepts a contribution made by one (1) person in the name of another person.
- (8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.
- (9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.
- (10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.
- (11) Violates IC 3-9-2-12.
- (12) Fails to designate a contribution as required by IC 3-9-2-5(c).
- (13) Violates IC 3-9-3-5.
- (14) Serves as a treasurer of a committee in violation of any of the following:
  - (A) IC 3-9-1-13(1).
  - (B) IC 3-9-1-13(2).
  - (C) IC 3-9-1-18.
- (15) Fails to comply with section 4(d) of this chapter.
- (16) Violates IC 3-9-3-2.5 by making a communication that contains a disclaimer that is not presented in a clear and conspicuous manner required by IC 3-9-3-2.5(d) and IC 3-9-3-2.5(e). This subdivision does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer.



(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the commission ~~may~~ **shall** assess a civil penalty. The penalty is ten dollars (\$10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars (\$100) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty under subsection (a), the commission ~~may~~ **shall** assess a civil penalty of ~~not more than~~ one thousand dollars (\$1,000), plus any investigative costs incurred and documented by the election division.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission ~~may~~ **shall** assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

- (1) Two (2) times the amount of any contributions received.



(2) One thousand dollars (\$1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the commission determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars (\$1,000).

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has violated IC 3-9-3-5, the commission ~~may~~ **shall** assess a civil penalty of ~~not more than~~ five hundred dollars (\$500), plus any investigative costs incurred and documented by the election division.

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(14), the commission may assess a civil penalty of ~~not more than~~ five hundred dollars (\$500), plus any investigative costs incurred and documented by the election division.

(j) This subsection applies to a person who is subject to a civil penalty under subsection (a)(15). The commission ~~may~~ **shall** assess a civil penalty ~~equal to the costs incurred by the election division for the manual entry of the data contained in the report or statement, plus any investigative costs incurred and documented by the election division.~~ **of five hundred dollars (\$500).**

(k) This subsection applies to a person who is subject to a civil penalty under subsection (a)(16). If the commission determines that a person is subject to a civil penalty under subsection (a)(16), the commission ~~may~~ **shall** assess a civil penalty of ~~not more than~~ one thousand dollars (\$1,000) for each communication circulated or published (but not for each of the copies of the communication actually circulated or published), plus any investigative costs incurred and documented by the election division.

(l) All civil penalties collected under this section shall be deposited with the treasurer of state in the campaign finance enforcement account.

(m) Proceedings of the commission under this section are subject to IC 4-21.5.

**SECTION 4. An emergency is declared for this act.**

