

Disclaimers, Yard Signs, and Campaign Finance Issues

June 8, 2016



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2016 State Board of Accounts Conference

Miscellaneous 2016 Legislation

- All local courts (including superior or probate courts) have jurisdiction over election cases, such as appeals from county election boards or recounts. Formerly restricted to circuit courts.
- Increased number of property owners or registered voters (500, rather than 100) required to begin petition and remonstrance process, or public question process, for “controlled projects.”
- Public question allowed for school corporation to extend tax levy.

Miscellaneous 2016 Legislation

- Laws governing private “poll takers” revised:
 - Resident not required to provide poll taker with information regarding name and voting qualifications of all persons residing at residence.
 - Owner or manager of residential facilities not required to maintain lists of residents or provide list to poll taker.
 - Owner or manager of residential facility must allow poll taker for political party or independent candidate to enter facility during reasonable hours to conduct poll of residents.

Disclaimers

- Basic requirement, even if candidate NOT required to file campaign finance reports.
- Designed to tell public who *paid* for communication, and whether *candidate approved* of communication.
- Can lead to campaign finance complaints and county election board hearings. Referral to Prosecuting Attorney since Class A misdemeanor.

Disclaimers

- Exemptions: bumper stickers, pens, “other small items”; articles of clothing.
- Where is disclaimer required? Yard signs; newspaper ads; most mass mailings.
- Color contrast requirements: black text on white background, or same as contrast between background and largest text.
- Printing font size requirements: 7 point absolute minimum.

Disclaimers - Examples

- “Paid for by Jones for County Surveyor Committee”
- “Paid for by Citizens for a Better County PAC and not authorized by any candidate.”
- “Paid for by John R. Smith and not authorized by any candidate.”

If the Horse is out of the Barn...

- If disclaimer omitted, or incorrect, correct text can be added to yard signs and other material.
- If newspaper ad, running a correction may help.
- Self-reporting to county election board. Maximum civil penalty of \$1,000, plus costs, for color contrast or font size requirements.

Impersonating Officeholder

- Person cannot knowingly or intentionally distribute political advertisements or campaign materials falsely representing that “candidate in any election is or has been an officeholder”. IC 3-9-3-5.
- CEB penalty of up to \$500, if unanimous vote.
- Example #1: “Re-elect John Smith Coroner”.
 - OK or not? Depends! Is (or was) he serving as coroner?
- Example #2:

“John Smith
Coroner”
- Example #2 can be OK. “For” is not a magic word.
- Law interpreted in favor of candidate if ambiguous.

Yard Signs

- When does state law allow political signs to be placed in my yard?
 - A. After Labor Day.
 - B. After General Election candidates are certified.
 - C. Once someone else puts a sign in their yard.
 - D. None of the above.

Correct answer:

- **D. None of the above.** There is no state law that sets a date for when yard signs (or other communications like billboards) can be placed in yards.
- Subject to county or municipal zoning and sign ordinances, if any.
- Subject to IC 32-21-13, homeowners association may adopt rules regarding when sign can be placed, number, size, or location of signs.
- Refer questions to Plan Commission or homeowners association.

Electioneering Material on Public Property

- If county, city, town, township, school corporation permits or authorizes campaign material in support of candidate, political party, or public question on its property, then
- Local government must allow campaign material **from any person** to be placed on that property,
- Subject to same restrictions on time, place and manner. IC 36-1-3-9 (now 36-1-4-21).

“Special” Campaign Finance Filers

- **School board candidates:**
 - Exempted from requirement to file Statement of Organization (CFA-1)
 - Exempted from requirement to file Campaign Finance Reports (CFA-4)

—UNLESS...



\$500 threshold

- If candidate receives more than \$500 in contributions, or makes more than \$500 in expenditures for campaign,
- THEN, candidate must file CFA-1 statement of organization and then CFA-4 campaign finance reports.
- Yes, “Even if it is just my own money.”
- Disclaimer always required for school board candidate materials

School Board CFA Filing Deadlines

- CFA-1 Statement of Organization required no later than noon 10 days after crossing \$500 threshold.
- CFA-4 Campaign Finance Report before general election: by noon, October 21, 2016, for reporting period ending October 14.
- CFA-11 Large Contribution (\$1000 or more) after October 14 through November 6, 2016.



School Board CFA Deadlines

- Annual report due noon, January 18, 2017.
- Remind candidates that committees:
 - CAN continue, even if candidate loses, and
 - DO NOT “AUTOMATICALLY” close.
- File CFA-4 report that checks “Final/Disbands Committee” box on line 11.

Ballot Vacancy Candidates

- Must file CFA-1 statement of organization no later than noon 7 days after deadline for filing certificate of candidate selection (July 12 for candidate whose certificate filed July 5, for example).



Ballot Vacancy Candidates

- However, if candidate already raised or spent \$100 for office paying \$5000 or more annually, then CFA-1 required noon 10 days after crossing \$100 threshold.
- Likewise, if candidate already raised or spent \$500 for office paying less than \$5000 annually, then CFA-1 required noon 10 days after crossing \$500 threshold.

Ballot Vacancy Candidates

- CFA-4 Reports due by noon, July 26, 2016.
- Reporting period begins when candidate required to file the CFA-1 (no later than July 5) and ends July 19.
- General election report and January 2017 annual report due at same time as primary candidates.
- CFA-11 large contribution report required.

Write-In Candidates and Petition Candidates

- Write-in candidates subject to same campaign finance reporting requirements as ballot vacancy candidates.
- Candidates nominated by petition for partisan office (Independent; Citizens Party, for example) subject to same campaign finance reporting requirements as ballot vacancy candidates.

Libertarian Party Candidates

- All Libertarian Party Candidates nominated by either state or local party convention or by ballot vacancy filling after convention.
- Not nominated by petitions or at primary.

Libertarian Party Convention Candidates

- If nominated at party convention, candidate must file CFA-1 statement of organization no later than noon 20 days after party convention.
- CFA-4 reports due noon 20 days after party convention convenes (same as CFA-1).
- CFA-4 reports due before general election and in January 2017 like other candidates.
- CFA-11 large contribution report applies.

Libertarian Party Ballot Vacancy Candidates

- If candidate is chosen to fill post-convention ballot vacancy, then candidate must file CFA-1 statement of organization by noon, July 12, 2016, unless
 - Candidate already crossed \$100 threshold for office paying more than \$5000 annually, or
 - Candidate already crossed \$500 threshold for office paying \$5000 or less annually.

Libertarian Party Ballot Vacancy Candidates

- CFA-4 Reports due by noon, July 26, 2016.
- Reporting period begins when candidate required to file the CFA-1 (no later than July 5) and ends July 19.
- General election report and January 2017 annual report due at same time as primary candidates.
- CFA-11 large contribution report required.

