

## **RESOLUTION 1993-6**

**A RESOLUTION TO  
ADOPT INTERIM WRITTEN GUIDELINES  
GOVERNING THE REPORTING OF  
INDEPENDENT EXPENDITURES BY  
AN APPLICANT FOR A LICENSE UNDER IC 4-33  
TO INFLUENCE A SPECIAL ELECTION  
CONDUCTED ON NOVEMBER 2, 1993  
CONCERNING WHETHER RIVERBOAT GAMBLING  
SHOULD BE PERMITTED IN A CITY OR COUNTY**

**WHEREAS**, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

**WHEREAS**, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

**WHEREAS**, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

**WHEREAS**, an applicant for a license under the Riverboat Gambling Law is required by IC 4-33-5-1 (10) to provide the Commission with information concerning any direct or indirect political contribution by the applicant to Indiana candidates or officeholders;

**WHEREAS**, subject to the adopting of a docking ordinance by the appropriate local fiscal body or upon submission of a petition by the voters of a city or county as provided by Public Law 277-1993(ss), SECTIONS 133 and 134, an applicant for a license under the Riverboat Gambling Law is required to pay in advance the cost of any special election if an election is to be held on November 2, 1993 within a city or county on the local public question of permitting riverboat gambling in the city or county;

**WHEREAS,** Indiana Code 3-5-2-37 provides that a political action committee includes a nonpartisan organization that proposes to influence the outcome of a public question and accepts contributions or makes expenditures that in the aggregate exceeds \$100 in a calendar year;

**WHEREAS,** Indiana Code 3-9-5-4 provides that a political action committee is required to file certain campaign finance reports with a county election board;

**WHEREAS,** Indiana Code 3-9-7-2 provides that an individual who makes an expenditure to influence an election within a year must file a statement with the Indiana State Election Board containing the information required in other campaign finance reports under IC 3-9-5 on the same dates on which reports by political action committees are due;

**WHEREAS,** Indiana Code 3-9-2-6 provides that the Indiana laws limiting contributions by a corporation do not apply to a contribution supporting or opposing the approval of a local public question;

**WHEREAS,** the Commission has been duly advised in this matter and finds that individuals or political action committees who would make expenditures supporting or opposing the approval of a local public question concerning the approval of the local public question of permitting riverboat gambling placed on a city or county ballot on November 2, 1993, would be required to report these expenditures, but that a corporation that did not establish a political action committee for this purpose would not be required to report such expenditures;

**WHEREAS,** the Commission notes that IC 4-33-1-2 contains the legislative finding that the public's confidence and trust in the Riverboat Gambling Law will be maintained only through comprehensive law enforcement supervision and the strict regulation of persons under the Riverboat Gambling Law;

**WHEREAS**, the Commission finds that public confidence in the Riverboat Gambling Law and the integrity of the election process require that all applicants who make expenditures to support or oppose the approval of a riverboat gambling local public question on November 2, 1993 should be subject to the same disclosure requirements regardless of whether the expenditure is made by an individual, a corporation or a political action committee; and

**WHEREAS**, the time remaining before a special election held on November 2, 1993 and the commencement of campaigns to support or oppose the approval of a local public question at that time is extremely short;

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING INTERIM WRITTEN GUIDELINES ARE ADOPTED:**

**SECTION 1. SCOPE.**

(a) These guidelines apply to each applicant for a license under the Riverboat Gambling Law (IC 4-33) who is not required to file a statement or report under:

- (1) IC 3-9-5; or
- (2) IC 3-9-7-2.

(b) These guidelines do not apply to an applicant who makes an expenditure to support or oppose the approval of a local public question placed on the ballot at a special election conducted after November 2, 1993.

**SECTION 2. DEFINITIONS.**

The definitions set forth in IC 3-5-2 and IC 4-33-2 apply to these interim written guidelines.

**SECTION 3. CAMPAIGN FINANCE REPORTING.**

An applicant who makes an expenditure directly (or indirectly through a wholly or partially owned or affiliated entity) to influence a special election conducted November 2, 1993 on the local public question of whether riverboat gambling is permitted within a city or county shall file statements concerning the expenditures with:

- (1) the county election board of the county in which the special election is conducted; and
- (2) the Indiana State Election Board.

**SECTION 4. REPORTS; CONTENT.**

Each statement described by SECTION 3 of these guidelines must be on a form prescribed by the Indiana State Election Board for the reporting of expenditures under IC 3-9-7-2 and contain the information required under IC 3-9-5.

**SECTION 5. REPORTS; DEADLINES.**

Each statement described by SECTION 3 of these guidelines is due at the same date and hour that a report by a political action committee is due under:

- (1) IC 3-9-5-6;
- (2) IC 3-9-5-7; and
- (3) IC 3-9-5-10.

**SECTION 6. INVESTIGATIONS OF APPLICANTS.**

In conducting an investigation of an applicant under the Riverboat Gambling Law, the Commission shall determine if the applicant has complied with these guidelines.

**SECTION 7. EFFECTIVE DATE AND EXPIRATION.**

These guidelines are effective immediately and expire the earlier of the following:

- (1) the date rules are adopted under IC 4-33-4-2; or
- (2) July 1, 1994.

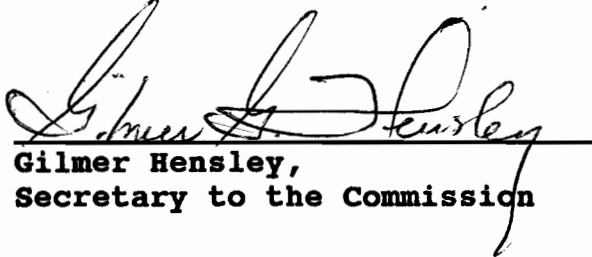
**ADOPTED, THIS THE 7TH DAY OF SEPTEMBER, 1993:**

**THE INDIANA GAMING COMMISSION:**



**Alan I. Klineman, Chair**

**ATTEST:**



**Gilmer Hensley,  
Secretary to the Commission**