

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 6105
BILL NUMBER: HB 1209

NOTE PREPARED: Oct 28, 2024
BILL AMENDED:

SUBJECT: Conservancy District Board Elections.

FIRST AUTHOR: Rep. Steuerwald
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that, after the appointment of the initial board, members of the board of directors of a conservancy district shall be chosen by vote of the freeholders of the conservancy district in the general election held on the first Tuesday after the first Monday in November of each even-numbered year.

The bill establishes qualifications for candidates for conservancy district board positions and establishes a procedure by which an individual may become a candidate. The bill makes candidates for conservancy district board positions subject to certain requirements concerning campaign committees and contribution limits that apply to other candidates for elective office.

The bill makes provisions for the voting for and election of conservancy district board members. It makes conforming changes.

Effective Date: July 1, 2025.

Explanation of State Expenditures: *Publications*– The Election Division may need to update their election related publications, including their annual campaign finance manual, to incorporate the candidate information for a conservancy district board member.

Explanation of State Revenues: *Criminal Penalty Provision*– Existing statute has several campaign finance and campaign form filing violations. Most likely, if a criminal penalty is charged to a candidate or their committee, it would be from filing a fraudulent report or failure to file a required report under the requirements of IC 3-9. Both of these violations constitute a Class B misdemeanor.

Additionally, a corporation or labor organization that recklessly exceeds \$2,000 in donations apportioned in any manner among all candidates for a conservancy district office would constitute a Class B misdemeanor. However, it is likely any additional revenue from these penalties would be minimal.

If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines)

and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000. The total fee revenue per case would range between \$113 and \$138. The amount of court fees deposited will vary depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

Explanation of Local Expenditures: *County Election Boards*– County election boards would see an increase in paperwork (including: write-in candidate, petitions of nomination, and campaign contribution report forms).

Advertising– Conservancy districts would be required to post advertisements of vacant board member positions within newspapers of jurisdiction, prior to even-year general elections. The districts would see an increase in expenditures to accomplish this provision.

Courts– Circuit, superior, and probate courts may see a slight increase in caseload, in the jurisdictions where a conservancy district exists, if more complaints are filed regarding withdrawal of candidates for a conservancy board office.

Criminal Penalty Provision- A Class B misdemeanor is punishable by up to 180 days in jail.

Ballot Order– Counties electing to place the office of conservancy board on either an optical-scan or DRE ballot would likely be able to do so within existing budgets for ballot production. Counties with optical-scan voting systems may need to print additional pages if the offices added require it. Conservancy district offices would be placed on the ballot between at-large political subdivision legislative body offices and judge retentions.

Ballot Printing– The bill would allow the printing of separate ballots with conservancy board candidates in certain circumstances. Counties that elect to print separate ballots would have slight increases in expenditures to print the separate paper ballots.

Additional Information– As of 2019, there were 98 active conservancy districts and 39 inactive or disbanded districts.

Explanation of Local Revenues: *Criminal Penalty Provision*- If additional court actions occur and a guilty verdict is entered, more revenue will be collected by certain local units. If the case is filed in a court of record, the county general fund will receive \$47.40 and qualifying municipalities will receive a share of \$3.60. If the case is filed in a municipal court, the county receives \$30, and the municipality will receive \$46. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

Civil Penalties– Existing civil penalties for campaign violations of candidates or candidate committees could apply if additional violations occur as a result of the bill. Civil fines can range from \$100 not to exceed \$1,000 per violation plus expenses incurred by the county election board to investigate alleged violations. Civil fines are placed a non-reverting fund for county election administration.

State Agencies Affected: Election Division.

Local Agencies Affected: Conservancy districts, county election boards in counties with a conservancy

district; Superior, Circuit, and Probate courts, local law enforcement agencies.

Information Sources: Indiana Department of Natural Resources, *2019 Directory Update Indiana Conservancy Districts*: https://www.in.gov/dnr/water/files/con_dist_dir.pdf ; Election Division, 2024 Campaign Finance Manual; Indiana Supreme Court, Indiana Trial Court Fee Manual

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