



February 9, 2021

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## SENATE BILL No. 415

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DIGEST OF SB 415 (Updated February 8, 2021 10:29 am - DI 140)

**Citations Affected:** IC 3-5; IC 36-1.

**Synopsis:** Political activity of employees and contractors. Provides that notwithstanding any ordinance or resolution of a political subdivision, an employee of the political subdivision may serve as the chairman of a county political party while continuing to serve as an employee of the unit free from any discipline or other sanctions. Provides that a unit may not adopt an ordinance or resolution that: (1) provides that an individual who does business with the unit may not hold an office or other position in a political party; or (2) prohibits an individual who holds an office or other position in a political party from doing business with the city. Provides that such an ordinance or resolution is void. Provides that except when on duty or acting in an official capacity and except where otherwise provided by Indiana or federal law, an employee of a political subdivision may not be discouraged from engaging in political activity or denied the right to choose to refrain from engaging in political activity provided such activities do not impede or impair the efficient operation of the employee's employing agency.

**Effective:** Upon passage.

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January 25, 2021, read first time and referred to Committee on Elections.  
February 8, 2021, reported favorably — Do Pass.

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SB 415—LS 7422/DI 75





February 9, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 415

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-5-4-13 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 13. Notwithstanding any ordinance or  
4 resolution of a political subdivision, an employee of the political  
5 subdivision may serve as the chairman of a county political party  
6 while continuing to serve as an employee of the political  
7 subdivision free from any discipline or other sanctions because of  
8 the employee's service as a county chairman.**  
9 SECTION 2. IC 36-1-3-13 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
11 UPON PASSAGE]: **Sec. 13. (a) A unit may not adopt an ordinance  
12 or resolution that does any of the following:**  
13 **(1) Provides that an individual who does business with the  
14 unit may not hold an office or other position in a political  
15 party.**  
16 **(2) Prohibits an individual who holds an office or other  
17 position in a political party from doing business with the unit.**

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1           **(b) An ordinance or resolution described in subsection (a) is**  
2 **void.**  
3           SECTION 3. IC 36-1-8-20 IS ADDED TO THE INDIANA CODE  
4 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
5 **UPON PASSAGE]: Sec. 20. Except when on duty or acting in an**  
6 **official capacity and except where otherwise provided by Indiana**  
7 **or federal law, an employee of a political subdivision may not be:**  
8           **(1) discouraged from engaging in political activity; or**  
9           **(2) denied the right to choose to refrain from engaging in**  
10 **political activity;**  
11 **provided such activities do not impede or impair the efficient**  
12 **operation of the employee's employing agency.**  
13           SECTION 4. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 415, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 415 as introduced.)

FORD JON, Chairperson

Committee Vote: Yeas 7, Nays 2

