



Election Administration:

BEST PRACTICES IN CAMPAIGN FINANCE ADMINISTRATION

Lori O'Dea | CEATS Cohort 7 | May, 2026

odeala@lakecountyin.org

Lake County, IN

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INTRODUCTION

Throughout Indiana, election officials have many diverse responsibilities. Among them are voter registration administration, election equipment procurement and maintenance, staff training, physical and cyber security, and the hiring of poll workers for Election Day. However, campaign finance administration can be one of the most complex and intimidating aspects of election administration. Indiana Code mandates very specific election board requirements for administrating and enforcing the Campaign Finance Act (CFA). Candidates for office and individuals recently elected treasurer of a committee may also find the mandated CFA reports overwhelming if they are unaware of which reports are required to be filed and when. Many times the submitted reports contain errors in addition, or errors listing contributions, loans, or expenditures correctly. Often there are missing components including incomplete addresses, failure to list the required expenditure codes and purposes, or reports are received without the required certification signatures of both the treasurer and the candidate.

Additionally, CFA reports are often submitted past the deadline set in Indiana Code resulting in civil penalties. When reports are delinquent, County Election Board (CEB) enforcement procedures kick in, and our workload increases. Our office must make the reports available for public inspection within 48 hours of receipt. We are required to track which reports have been received by the deadline, and which reports are late. Committees who fail to meet the deadline must be notified of the delinquency by sending a notice to the committee's chairman and treasurer, and also notify them of the upcoming hearing at which the County Election Board will assess the mandatory penalty.

When CFA reports are reviewed and found defective, a separate procedure is triggered. The committee must be notified of their defective filing and make amendments to the defective report within five days of receiving the notification. Tracking the amendments and reviewing them for corrective accuracy takes time. Amended reports received after the five-day notice deadline are subject to civil penalties, and therefore the committees must be notified of a CEB delinquency hearing.

Since both defective and delinquent reports are subject to civil penalties assessed by the CEB, it takes election staff time to track fine payments and outstanding fines from previous reports. These issues could be mitigated with better training for candidates and committee treasurers.

Ensuring that the CFA administration and the enforcement procedures are uniform and non-discriminatory can be difficult without defined protocol. However, with the right tools and clearly communicated requirements, both candidates and election officials can be confident that they are in full compliance with the Indiana Campaign Finance Act. As someone whose primary job is campaign finance oversight and compliance, these issues are something I face every day. After speaking to other election officials outside Lake County, I see a real disconnect between the requirements mandated by code, and the procedures of county election boards throughout Indiana.

PROJECT GOALS

My goal for this capstone project is to curate best practices for CFA administration and create resources, including audit SOP's applicable to any county, to help clarify and simplify both the filing requirements for candidates and their treasurers, as well as the enforcement requirements for election administrators in order to comply with Indiana Code. Another goal is to improve our office communication and efficiency by providing our office staff with accurate and concise reference documents for training purposes, and to use when answering campaign finance questions from the public, from committees, or from candidates, whether in person or on the phone.

LEARNING OBJECTIVES

This project will clarify when a person officially becomes a candidate for Campaign Finance Act purposes, define when a candidate committee is required to be opened, and identify which reports are required for open committees. With so many details required on the campaign finance reports, this project will identify common errors that make reports defective and attempt to remedy those errors before a candidate submits their report. Additionally, the project will list the requirements for serving as treasurer of a committee, as well as provide county election boards with a template for administration and enforcement of Indiana's Campaign Finance Act.

ACTION PLAN

Curating best practices and guidance resources can be a daunting task, but I believe that the more defined the action plan, the more focused and impactful the results can be. I turned my attention to the following areas of campaign finance administration:

1. Who meets the requirements for opening a CFA committee and when?
2. What reports are required to be filed, by whom, and by what deadlines?
3. What are the requirements for the treasurer of an organization?
4. What are some required report elements, and some common issues that make a report defective? Can we develop a checklist to post so candidates can give special attention to these elements before submitting their reports officially?
5. What are county election board requirements for administration of Indiana's Campaign Finance Act? What are some standard operating procedures that can help to standardize tracking delinquent and defective reports, and civil penalties required by Indiana Code?

My written action plan involved designing one to two resources per month in order to stay on task and get the majority of the data collection and design work finished before the Midterm election season began. Submitting the capstone monthly updates helped to keep me on track and moving forward with my data collection and design.

METHODS

Because of the scope of this project, it was important to me to spread the workload over several months in order to stay on pace and finish by the due date.

In October, I carefully read all the instructions on the back of the CFA forms, giving special focus to the CFA-1 Statement of Organization for a candidate's committee, and the CFA-4 Report of Receipts and Expenditures. Next, I began to collect data from the Indiana Campaign Finance Manual, referring to the reporting schedule for various committees, spending thresholds for becoming a "candidate" for campaign finance purposes, and the qualifications to serve as treasurer of a committee. I used this information to create two documents: the first explains the requirements, parameters, and spending thresholds for opening a CFA candidate committee, and the second explains which campaign finance reports a candidate is required to file and the submission deadlines set by Indiana Code. I used a simple flowchart to show which action is required whether a candidate advances through the primary election to the November ballot or not.

In November, I turned my attention to the administration and enforcement requirements for county election boards. I used the Indiana Election Code book and the IGA website to examine IC 3-9 which is the section of Indiana code that addresses campaign finance compliance for committees, and enforcement by county election boards. I pored through the codes and made notes of all the times the law used the word "shall", indicating a mandated requirement. With that data, I sorted out which "shalls" are required of committees, treasurers, and the county election board, and made separate Word documents to organize my research findings. With that information, I curated a one page comprehensive list of CEB requirements in plain language, which could serve as a checklist for any county election board as they administrate the Campaign Finance Act.

In December, I used the Word documents of my research findings to create a list of mandated requirements for individuals serving as treasurer for candidate committees, PAC's or regular party committees. My goal is that this component of the project becomes a valuable resource for current and future treasurers to help alleviate the stress of the unknown, and to help them navigate the filing of required CFA forms with clarity and accuracy.

Additionally, in December I attended the IED Election Administrators Conference and was able to discuss campaign finance procedures and enforcement with election officials from several different counties in Indiana. Many of the clerks and officials I spoke with stated that campaign finance administration was an area they did not feel confident about. These discussions confirmed the need for more structured procedural resources and tools to help with CFA administration.

Upon returning to the office, I looked back on some of the defective reports that had been recently submitted. It was clear that there are some commonly recurring mistakes or omissions that make a report defective:

- Starting the current reporting period with a beginning balance that does not match the ending balance of the last report
- Errors in addition
- Incomplete addresses on itemized contributions and expenditures
- Failure to list required expenditure codes and purposes
- Reports not signed by both the candidate and the treasurer of the committee

Tracking these defective reports, along with their required amendments, is time-consuming and laborious. With this in mind, I used the repeated occurrence of these common errors to refine our defective enforcement notice to committees, and developed a short checklist, for reference.

In early January, I posted this checklist at our office counter before the Annual Report filing deadline so that those turning in reports could refer to it prior to official submission. Drawing filers' attention to these common errors seemed to help some avoid these defects. There were several times when someone saw the checklist, and corrected the error before submitting their report. This confirmed the effectiveness and impact of this project.

To ensure compliance and accuracy, I submitted my reference documents to IED Co-Counsel Valerie Warycha for review. I wanted to be sure that I was citing the correct codes, and that the procedures were compliant with Indiana Election Law. Ms. Warycha reviewed the documents and provided me with some valuable feedback to clarify a few of the complexities of the law. With her feedback, I was able to further refine the language in my documents.

CEATS PRINCIPLES AND TOOLS

The CEATS Program provided comprehensive education in the major professional competencies essential for Election Officials. This project was curated through my experience in the daily administration of campaign finance as well as the tools I learned in the CEATS Program, including:

- Managing Elections
 - CFA administration is an important component of managing elections. These resources may go a long way in alleviating the workload, and providing consistency in procedures throughout Indiana
- Understanding the Implications of Election Laws
 - CFA violations have both civil and criminal repercussions. Helping candidates and treasurers develop a more robust understanding of their liabilities goes long way toward understanding the implications of Election Laws
- Creating Public Value
 - The public relies on election officials to fully comprehend and administrate this aspect of elections. Strengthening the training for election officials about CFA administration helps to reassure the public that election officials can be trusted to comply with the law.
- Ensuring Election Integrity
 - Campaign finance is all about transparency. We have a duty as election officials to ensure transparent reporting about who is influencing elections in our state. With careful attention to administration of the law and enforcement of its infractions, these resources help our county election boards maintain election integrity by ensuring the enforcement is applied appropriately and universally.
- Implementing Practices to Improve Election Administration
 - These tools will be valuable assets to election officials throughout the state to improve this component of election administration. With these resources in hand, election officials can be sure they have what they need to train staff in CFA administration.
- Consulting and Networking with fellow Indiana Election Administrators and Technical Experts in the election industry throughout the United States
 - The CEATS program allowed me to network with my fellow cohort members and gave me a glimpse into how CFA administration is done in other counties. This networking informed details of what I

included in my resource documents, and the importance of making them applicable to counties throughout Indiana.

CONCLUSION

We have already incorporated three of these documents into the campaign finance administrative practices in our county. When a candidate files for office, they are given a packet of information which includes the document outlining the requirements for opening a candidate committee as well as which reports are required to be filed by which deadlines. This is also a valuable tool for candidates who are busy campaigning and may not have otherwise remembered to file the required reports in a timely manner. Additionally, this document gives clear direction to primary election candidates about the next required steps whether they move on from the primary to the general election ballot, or are defeated in the primary. We have also posted the checklist of required elements at our front counter for candidates to review before submitting reports so they can avoid some common errors, which have historically made reports defective. This small step has already shown good results with those submitting their CFA-4 Annual reports in January, with a noticeable decline in those common errors.

In the future, we will have these resources available at our annual campaign finance training, and in our office.

Additionally, several of our CEATS cohort members have expressed their anticipation of being able to have access to these tools and put them to use in their counties.

REFERENCES

- Campaign Finance Manual
- Indiana Election Code Book: IC 3-9
- Professional Competencies from Phase One Session One of the CEATS curriculum

ACKNOWLEDGEMENTS

I would like to acknowledge the excellent work of the Indiana Election Division staff, especially Michelle Thompson, who has answered my complex CFA questions tirelessly and cheerfully for years while I learned the details of this work. Special thanks also goes to IED Co-Counsel Valerie Warycha for her review of this project's resource documents. We value the work of the IED staff and all they do to promote election integrity in our state.

I would also like to acknowledge the VSTOP staff and CEATS Cohort 7 participants with gratitude for the opportunity to challenge myself professionally, to gather as a cohort, to learn together, and to get to know one another. I have thoroughly enjoyed this learning experience, and am thankful for the connections that have been built—a strong network of Election Officials across the counties of Indiana.

Do I need a Campaign Finance Candidate Committee?

Does the office you are seeking have a salary of over \$5000 per year?

**At least
\$5000**

**Less than \$5000
or School Board**

Current officeholders or an individual seeking an office which pays **at least \$5000 per calendar year** officially becomes a "Candidate" for campaign finance purposes when the individual, the candidate's committee, or a person acting with the consent of the individual:

- receives more than **\$100** in contributions*; or
- makes more than **\$100** in expenditures*

*including the candidate's own personal funds, AND in-kind contributions. (See Campaign Finance Manual for additional information on committees, loans, and contributions)

Current officeholders or an individual seeking an office which pays **less than \$5000 per calendar year** or an individual running for School Board, officially becomes a "Candidate" for campaign finance purposes when the individual, the candidate's committee, or a person acting with the consent of the individual:

- receives more than **\$500** in contributions*; or
- makes more than **\$500** in expenditures*

*including the candidate's own personal funds, AND in-kind contributions (See Campaign Finance Manual for additional information on committees, loans, and contributions)

ALL elected officials and every candidate, as defined above, must have a principal campaign finance committee and file the Statement of Organization (CFA-1) no later than NOON 10 days after meeting the criteria above to become a candidate or NOON 7 days after the final day and hour for filing for an elected office, whichever comes first.

Where your legal rights are involved, do not rely on this information. Instead, review the law yourself, or consult your attorney.

Which Campaign Finance reports are Candidates required to file?

Every candidate (running for a local office paying \$5000 or more) on the ballot in a Primary Election or who have filed for the primary and are unopposed must file a CFA-4 Pre-Primary report before NOON 18 days before the Primary Election

Won in the Primary

File a CFA-4 Pre-Election report before NOON 18 days before the General Election

(See Campaign Finance Manual for additional information on committees, loans, expenditures and contributions)

Lost in the Primary

Close your committee by filing a CFA-4 Final/Disband report

(This ends your reporting requirement as of final report date)

Keep committee open and continue reporting

File Annual Report before NOON on the Third Wednesday of January

(See Campaign Finance Manual for additional information on committees, loans, expenditures and contributions)

All elected officials must keep their CFA committee open for the duration of their time in office. Every open committee is required to continue filing reports according to this schedule until the appropriate paperwork has been filed to formally disband the committee. A person who fails to file a complete or accurate report as required by the Indiana Campaign Finance Law commits a Class B misdemeanor (IC 3-14-1-14) and may be subject to civil penalties (IC 3-9-4-17).

Please consult the reverse side of the Campaign Finance forms or the Secretary of State website for guidance. Where your legal rights are involved, do not rely on this information. Instead, review the law yourself, or consult your attorney.

What are the CFA Requirements for the Treasurer of a Committee

According to IC 3-9, the Treasurer of a committee shall (MUST):

- Collect and receive all money and property for the committee and disburse all money and expenses for the committee. (IC 3-9-1-20)
- Keep a detailed and exact account of information required to be reported by IC 3-9
- Obtain and keep receipted bills, cancelled checks, or other proof of payment of more than \$25, including smaller amounts which total \$25 in aggregate to the same person, preserving required information for three years, or one year after the dissolution of the committee (IC 3-9-1-24)
- File CFA-4 Report of Receipts and Expenditures with the county election board on forms prescribed by the Indiana Election Division and dated as of the following dates:
 - 25 days before a primary election
 - 25 days before a general, municipal, or special election
 - 25 days before a nomination date (if applicable)
 - An annual report that is complete through December 31 of the previous year and covers the period since the last report
- File a CFA-4 Outgoing Treasurer Report not later than NOON 30 days after the treasurer leaves office that is complete as of the last date the person was treasurer and covers the period since the last report (IC 3-9-5-12)
- File a CFA-4 Final/Disband report no later than NOON 30 days after the date a committee disbands that is complete as of the last day the committee existed and covers the period since the last report

What are the CFA Requirements for a County Election Board

According to IC 3-9, the County Election Board **shall (MUST)**:

- Review open committees for Administrative Disband criteria by the last Friday in January and follow the procedures stated in IC 3-9-1-12 (notice committee by certified mail, hold a hearing, issue an order, publish the notice) to dissolve any committee that meets the criteria
- Use the expenditure coding system mandated by the IED (IC 3-9-4-4)
- Make all filed statements and reports available for public inspection and copying not later than the second business day after they were received (IC 3-9-4-5)
- Preserve all reports and statements that have been filed with CEB for the length of time mandated in IC 3-9-4-6
- Compile and maintain a current list of statements of each candidate, committee, or public question IC 3-9-4-7
- Make audits and field investigations with respect to reports and statements filed, and with respect to alleged failure to file required reports (IC 3-9-4-13)
- Examine statements and reports to ascertain whether candidates or committees have failed to file required reports and statements OR have filed defective reports or statements (IC 3-9-4-14)
- Give notice to delinquents not later than 30 days after the due date to file the required report or statement immediately, and give notice to persons filing defective reports or statements to make a supplemental filing not later than NOON five calendar days after receipt of notice (IC 3-9-4-14)
- Make available for public inspection and publically post the list of delinquents and those who have failed to file supplemental reports or statements correcting the defect (IC 3-9-4-14)
- Assess a civil penalty of \$50 per day (to a maximum of \$1000) to delinquent filers of statements and reports (IC 3-9-4-17c)
- Assess a civil penalty of \$1000 or two times the amount of any undesignated contributions (whichever is greater) by corporations and labor unions (IC 3-9-4-17f)
- Deposit any civil penalties collected into a separate non-reverting account which are available (upon approval of the fiscal body) to augment and supplement the administration of IC Title 3

Additionally, Title 3 states:

A person who knowingly files a fraudulent report required by IC 3-9 commits a Level 6 felony (IC 3-14-1-13) and a person who fails to file a report with the proper office as required by IC 3-9 commits a class B misdemeanor (IC 3-14-1-13). If the CEB determines that a felony or misdemeanor violation of the Campaign Finance Act may have occurred, the violation must be reported to the appropriate prosecuting attorney and to the alleged violator (IC 3-14-5-3).

TURNING IN CFA REPORTS?

PLEASE TAKE A MOMENT TO CHECK IT OVER FOR THESE COMMON ISSUES ***BEFORE*** YOU HAND IT IN:

- Is it signed by Candidate AND Treasurer?
- Is your beginning balance the same as the ending balance of your previous report (Or zero if this is your first report?)
- Do you have the correct reporting dates?
- Are your contributions listed on the correct schedule? (ie A-1 for Individuals, A-5 for other organizations)
- Do you have expenditure codes and purposes on your Schedule B?

**PLEASE WAIT TO TURN IN REPORTS
UNTIL AFTER THE END OF THE
REPORTING PERIOD**

Standard Operating Procedures:

Campaign Finance Report Review, File Maintenance, and Enforcement

1. Campaign Finance Report review and processing

a. When Statements of Organization are received:

- Stamp report with date of receipt
- Assign new file number
- Scan the Statement into appropriate electronic file within 48 hours (two business days) of receipt to make available for public inspection (IC 3-9-4-5)
- Enter committee information into master list of committees (IC 3-9-4-7)
- Start new CFA committee file folder, labeled with File number & name to keep submitted statements and reports (IC 3-9-4-6)

b. When reports are received:

- Stamp report with date stamp
- Scan report into appropriate file within 48 hours (two business days) of receipt to make available for public inspection (IC 3-9-4-5)
- Verify beginning balance is the same as ending balance of previous report
- Review CFA reports:
 - Confirm signature(s)
 - Add each page of report to verify totals
 - Confirm that total contributions and total expenditures are tallied correctly and listed on the summary sheet
 - Check Schedule A for Direct/In-Kind Contribution/Loan, including name, address, and date of each contribution, and that they are listed on appropriate schedule
 - Occupations listed for individual donors of over \$1K (IC 3-9-5-14c)
 - Watch for corporate/labor union contribution overages (IC 3-9-2-4) send clarification letter to committees, if needed
 - Check Schedule B for codes and purposes (IC 3-9-4-4) and name, address, and date of each expenditure
 - Check Schedule D for loans (listed correctly and showed on summary sheet)
 - Based on the above criteria, ascertain if report is defective
- Record that the report was received on Excel sheet (Master List), date of receipt, and whether the report was defective or delinquent (if received past the deadline)

c. If report is defective:

- Fill out Defective letter with details on defect, being as specific as possible
- Set a return date for amended report
- Copy defective letter for each recipient, one copy for original report to file in committee folder, and one copy for our defective report file
- Mail defective notice to committee address, chairman and treasurer (IC 3-9-4-14-2B)
- Track amendments
- Any amendment not submitted by the return date is delinquent and subject to \$10/Day Fine

Appendix F

- Prepare Defective Delinquents for board meeting
- d. Delinquent reports/statements: Any report or statement of organization received after NOON on the due date is delinquent. Stamp any reports that come in after the deadline as TOO LATE
- After the deadline, review and update database and highlight outstanding reports (3-9-4-14)
 - Compile list of committees whose reports are now delinquent
 - Post a list of delinquent committees near the entrance to the office (IC 3-9-4-14)
 - Send out Delinquent Notice to file required report immediately to the committee address, Chairman and Treasurer within 30 days of due date. Set hearing date and notice committee to attend hearing (IC3-9-4-14-2A)
 - Put copy of Delinquency Notice in the committee's file
 - Edit the list of delinquent filers: Enter the number of days late.
 - Figure the Civil Penalty by the number of days late X \$50 and present information to County Election Board (IC 3-9-4-17)
 - Attend the board meeting
 - Record the board's findings regarding any reduction or waive of the civil penalties by unanimous vote (IC 3-9-4-19)
 - Edit the list of delinquent filers with board's findings
 - Send out Findings & Order letters to delinquent committees
 - Make copies of letters and file a copy in each committee's folder
 - Record the committee's fine in their folder with the date of the hearing
 - Deposit any civil penalties collected into a separate non-reverting account (IC 3-9-4-17j)
- e. Final/Disband Reports: If a committee wishes to disband their committee, they must submit a final report with reporting dates of the last date of the previous report through the current date. They must end with no cash on hand, and lines 18,19, & 20 on the summary report showing a zero balance.
- Stamp report with date stamp
 - Scan report to appropriate file within 48 hours to make available for public inspection
 - Check BB and addition on all pages and review all schedules
 - Denote date of Final/DISBAND in the committee's file folder, and file report in folder
 - Delete committee from master list of open committees
 - File with other Disbanded Committees file cabinet for the time mandated in IC 3-9-4-6
2. Report File Maintenance
- a. Preserve and maintain all reports and statements that have been submitted and make them available for public inspection and copying (IC 3-9-4-5)
 - b. Retain all reports and statements for the length of time mandated in IC 3-9-4-6
3. Assess Civil Penalties according to IC 3-9-4-17 (see reference for Delinquency Notice, Notice to Appear at Hearing, and Findings & Orders above)
4. Not later than the last Friday in January, review all open committees for Administrative Disband criteria and follow the procedures mandated in IC 3-9-1-12

LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

Government Center • 2293 N. Main St., Rm A-205 • Crown Point, IN 46307

Phone: 219-755-3795 / FAX: 219-755-3801/ email: CFA@LakeCountyIN.org

Date: _____

Your _____ report, which was received on _____, is defective for one or more of the following reasons checked below:

- ___ Committee is not registered with this office / mailing address listed is not the mailing address of record / treasurer and/or chairman signing the reports is not the treasurer /chairman of record.
Please complete the enclosed CFA-1, CFA-2, CFA-3 and return to our office as soon as possible.
- ___ Type of report should be _____.
- ___ Reporting dates are incorrect, the correct dates are _____.
- ___ Beginning / ending balance is incorrect, correct figure should be _____.
Ending balance cannot be a negative dollar amount.
- ___ Final report indicated, but loans, debts and balance left on hand is not zero.
- ___ Not signed by: candidate / treasurer
- ___ Occupations are required for contributors of \$1000 or more
- ___ In-Kind Contributions, must be shown on both Schedule A and Schedule B. Your report is missing_____.
- ___ Addresses, Type of Contributions must be listed on all Schedule(s) A reports. Schedule B, Schedule C, Schedule D must be complete. Each page of Schedule(s) _____, should be totaled. All codes and purposes on Schedule B, must be completed.
- ___ Debts owed by this Committee (Schedule D/E) must be attached to every report turned in
- ___ Other _____

The submitted report must be amended and returned to our office. Pursuant to I.C. 3-9-4-14 (2)(b) you are hereby notified to make a supplemental statement or report correcting all defects not later than noon five (5) calendar days after receipt of the notice. This report will be considered defective until the requested information and or corrections have been made.

If the cured report is not received in our office by NOON on _____ your committee will be subject to civil penalty. Please be advised that once a County Election Board determines that a person failed to file an amended CFA-4 correcting all defects, the Board may assess a civil penalty of **Ten Dollars (\$10.00) for each day the report is late** after the expiration of a five-day period, not to exceed One Hundred Dollars (\$100) plus any investigative costs incurred and documented by the Board. The civil penalty limit applies to each defective report individually. Further, I.C. 3-14-1-14, entitled "Failure to Report Campaign Receipts and Expenditures," provides that "a person who fails to file a report with the proper office as required by I.C. 3-9 commits a CLASS B Misdemeanor."