

INDIANA  
STATE ETHICS COMMISSION

315 WEST OHIO STREET, ROOM 104, INDIANAPOLIS, IN 46202 317.232.3850

---

**Policy Memorandum:** State Ethics Commission Electronic Meetings Policy

**Date:** April 13, 2017

**By:** Jennifer Cooper, State Ethics Director

---

**Purpose:**

The Indiana State Ethics Commission (the “Commission”) Electronic Meetings Policy (the “Policy”) is intended to comply with all relevant law and provide the framework for participation in and the conduct of public meetings where means of electronic communication are used by members of the Commission not physically in attendance.

The Commission has had the ability to utilize telephone conference calls, speaker phone, and other communications technology to conduct Commission business when necessary due to emergency situations. *See 40 IAC 2-5-3 Meetings by telephone and other communications media technology.*

In 2012, **IC 5-14-1.5-3.6 Electronic communications by certain government bodies**, took effect. This statute authorizes members of the governing body of a public agency to participate in meetings of the governing body by means of electronic communication. The statute authorizes such electronic participation if, (1) the meeting complies with all other requirements of the Indiana Open Door Law and (2) a majority of the governing body adopts a policy regarding the use of electronic communication to participate in a meeting.

**Policy:**

Physical attendance of Commissioners is always preferable to participation by electronic means of communication; however, the Commission acknowledges there are circumstances under which physical attendance is not possible or is impractical. This policy will address those times in which physical attendance is overly burdensome or not possible.

- I. **Minimum Physical Participation.** At any meeting of the Commission, at least two (2) commissioners must be physically present at the place where the meeting is conducted.
- II. **Treatment of Members Participating by Electronic Means.** A commissioner who participates in a meeting by a permitted electronic means of communications:
  - A. Shall be counted as present at the meeting; and
  - B. May vote at the meeting.

- III. **Quorum.** The commission must still have a quorum, which equates to at least three (3) commissioners in order to transact business of the commission. A commissioner who participated in a meeting by a permitted electronic means of communication shall be counted for purposes of establishing a quorum.
- IV. **Permitted Means of Communication.** A commissioner not physically present at a meeting may participate in the meeting by any electronic means of communication, so long as the electronic communication permits:
  - A. The member;
  - B. All other members participating in the meetings; and
  - C. All members of the public physically present at the place where the meeting is conducted to simultaneously communicate with each other.
- V. **Roll Call Voting.** All votes of the Commission during a meeting where any member participates by means of electronic communication shall be taken by a roll call vote, in which the name of each member of the Commission will be called individually and requested to cast their vote aloud.
- VI. **Limitations.**
  - A. **Prohibition on the use electronic communication for public ethics violation hearings.** The Commission is prohibited from conducting a dispositional hearing on an ethics complaint using electronic communication under IC 4-2-6-4.3. Accordingly all commissioners participating in the hearing must be physically present.
  - B. **Annual minimum physical participation.** Each commissioner must be physically present for at least fifty percent (50%) of the Commission's meetings per year. Commission members are encouraged to attend all meetings in person.
  - C. **Notice of intent to participate by electronic means.** A commissioner intending to participate by electronic means in a meeting of the Commission shall obtain prior authorization from the Chair of the Commission, and provide notice of such authorization in writing to the State Ethics Director, at least forty-eight (48) hours prior to the time of the Commission meeting, exclusive of weekends and holidays, to allow adequate arrangements to be made.

**Legal References:** IC 5-14-1.5-3.6; 40 IAC 2-5-3; IC 4-2-6-4.3

**Effective Date:** This Policy shall be in effect immediately upon approval by the Commission.

**Ending Date:** This Policy will end upon rescission by vote of the Commission.

**Approval:** This Policy was approved by vote of the Commission members present at the meeting held on April 13, 2017.

  
James Clevenger, Chair, State Ethics Commission

4/13/17  
Date