

**CONFERENCE COMMITTEE REPORT
DIGEST FOR HB 1174**

Citations Affected: IC 3-5-2-32.7; IC 3-5-2-37; IC 3-9-5.

Synopsis: State and local administration. Conference committee report for EHB 1174. Makes the following changes in election law: (1) Makes the following changes to voter registration procedures: (a) changes the definition of "active voter"; (b) makes certain technical changes to the duplicate registration elimination program and the voter list maintenance program; (c) permits cancellation registrations of deceased voters and certain other voters under the duplicate registration elimination program and the voter list maintenance program; and (d) requires county voter registration offices to ensure that software programs generating jury lists do not include voters who are less than 18 years of age. (2) Makes certain technical changes relating to filing campaign finance reports, including permitting filing of large contribution reports by facsimile transmission. (3) Allows county election board members lodging allowances for attending the annual election officials conference. (4) Changes the name of a combined county election board and board of registration to the board of elections and registration. (5) Provides that the county executive may establish a precinct that is located within a university campus without regard to the number of registered voters permitted by law if less than 40% of the active voters entitled to vote in the precinct voted in the last primary election. (Current law allows the precinct to be established without regard to the number of voters if less than 40% voted in the last general election.) (6) Changes the procedures for breaking a tie vote in an election for the governing board of a school corporation in Tippecanoe County. (7) Permits certain towns to expand the size of the town legislative body. (8) Contains various changes in the law regarding placement of candidates on the ballot. (9) Includes language from federal regulations relating to the federal disclaimer law in Indiana's election disclaimer statute. (10) Makes other changes in election law relating to use of election forms, voter signatures on registration records, certifications of petitions, multiple party nominations, preservation of election records, delivery of state and presidential paper ballots, absentee ballot procedures, candidate vacancies, location of polling places for disabled voters, and recounts and election contests. Permits the Indianapolis board of public works to use a tax levied within the service district to pay for mowing services along rights-of-way or on unoccupied private property. Repeals a statute that restricts the sale of energy byproducts by certain facilities located in Marion County. (This conference committee report inserts provisions relating to filing campaign finance reports, changes the effective date of certain provisions relating to election of town legislative bodies, specifies that the members of town legislative bodies affected by the bill take office at noon on January 1, and provides that the provisions relating to mowing on unoccupied property relates only to private property. This conference committee report eliminates the provisions relating to the office of census data, certain provisions relating to qualifications for municipal court judges, provisions relating to confidentiality of election materials, provisions permitting redrawing of precinct boundaries during the precinct boundary freeze, and terms of county election board members. This conference committee report also eliminates the provisions specifying the ballot language for two proposed constitutional amendments to be put to the voters at the 1998 general election.)

Effective: Upon passage.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1174 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 state and local administration.
- 4 Page 1, delete lines 1 through 16.
- 5 Delete page 2.
- 6 Page 3, delete lines 1 through 19.
- 7 Page 3, between lines 31 and 32, begin a new paragraph and
- 8 insert:
- 9 "SECTION 2. IC 3-5-2-32.7, AS ADDED BY P.L.3-1997,
- 10 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 UPON PASSAGE]: Sec. 32.7. "Nomination date" refers to the
- 12 following:
- 13 (1) For candidates nominated in a primary election, the date of
- 14 the primary election.
- 15 (2) For candidates nominated in a convention, the date of the
- 16 convention is **scheduled to be called to order, according to the**
- 17 **call of the convention issued by the political party.**
- 18 (3) For candidates selected to fill a ballot vacancy, the date
- 19 the certificate of selection of the candidate is filed under
- 20 **IC 3-13-1-15 or IC 3-13-2-8.**
- 21 (4) For candidates nominated by petition, the final date the
- 22 petition of nomination is permitted to be filed under
- 23 **IC 3-8-6-10(c).**
- 24 (5) For write-in candidates, the final date the candidate's

1 **declaration of intent to be a write-in candidate is permitted**
2 **to be filed under IC 3-8-2-4.**

3 SECTION 3. IC 3-5-2-37, AS AMENDED BY SEA 101-1998, IS
4 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
5 PASSAGE]: Sec. 37. (a) Except as provided in subsection (b),
6 "political action committee" means an organization located within or
7 outside Indiana that satisfies all of the following:

- 8 (1) ~~The organization is not:~~
 - 9 (A) ~~affiliated with a political party; or~~
 - 10 (B) ~~a candidate's committee.~~
- 11 (2) ~~The organization proposes to influence:~~
 - 12 (A) the election of a candidate for state, legislative, local, or
 - 13 school board office; or
 - 14 (B) the outcome of a public question.
- 15 (3) ~~(2) The organization accepts contributions or makes~~
16 ~~expenditures during a calendar year:~~
 - 17 (A) to influence the election of a candidate for state,
 - 18 legislative, local, or school board office or the outcome of
 - 19 a public question that will appear on the ballot in Indiana;
 - 20 **and**
 - 21 (B) that in the aggregate exceed one hundred dollars (\$100).
- 22 (4) ~~(3) The organization is not any of the following:~~
 - 23 (A) An auxiliary party organization.
 - 24 (B) A legislative caucus committee.
 - 25 (C) A regular party committee.
 - 26 (D) A candidate's committee.

27 (b) A corporation or labor organization that makes a contribution
28 in accordance with IC 3-9-2 or makes an expenditure is not considered
29 a political action committee."

- 30 Page 5, delete lines 10 through 14.
- 31 Page 5, delete lines 40 through 42.
- 32 Page 6, delete lines 1 through 3.
- 33 Page 14, delete lines 5 through 42.
- 34 Page 24, delete lines 12 through 42, begin a new paragraph and
35 insert:

36 "SECTION 39. IC 3-9-5-7, AS AMENDED BY SEA 101-1998,
37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
38 PASSAGE]: Sec. 7. (a) ~~Persons~~ **A person** may deliver reports to the
39 appropriate office as follows:

- 40 (1) By hand.
- 41 (2) By mail.
- 42 (3) By electronic mail, if the appropriate office has the capacity
43 to:
 - 44 (A) receive electronic mail; **and**
 - 45 (B) **print out a hard copy of the report immediately**
46 **upon the receipt of the electronic mail by the office.**

47 (b) Reports must be filed as follows:
48 (1) Hand delivered reports **or reports that are mailed** must be
49 **received by filed with** the appropriate office during regular
50 office hours not later than noon seven (7) days after the date of
51 the report.

1 (2) Reports delivered by electronic mail must be ~~received by~~
 2 **filed with** the appropriate office not later than noon seven (7)
 3 days after the date of the report.

4 ~~(3) Reports that are mailed must be postmarked not later than~~
 5 ~~noon seven (7) days after the date of the report.~~

6 **(c) This subsection applies to a report delivered by electronic**
 7 **mail. Filing of a report occurs under IC 3-5-2-24.5 when the hard**
 8 **copy is printed out and the office records the date and time of the**
 9 **printout on the report. If a discrepancy exists between the text of**
 10 **the electronic mail and the printed report, the text of the printed**
 11 **report prevails until an amendment is filed under this article to**
 12 **correct the discrepancy.**

13 **(d) An office is not required to accept a report or statement**
 14 **required under this article by facsimile transmission. Upon**
 15 **approval by the commission or a county election board the election**
 16 **division or the county election board may accept the facsimile**
 17 **transmission of a report or statement.**

18 SECTION 40. IC 3-9-5-8, AS AMENDED BY P.L.3-1997,
 19 SECTION 206, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section applies to**
 21 **a candidate for nomination to an office in a state convention who** ~~(1)~~
 22 **becomes a candidate less than twenty-five (25) days before the**
 23 **nomination date for a candidate chosen at a convention.** ~~and~~

24 **(b) A candidate** ~~(2)~~ **does is not required to file the required a**
 25 **report in accordance with section 7 section 6(a)(1) of this chapter. The**
 26 **candidate shall file the candidate's first report no later than noon**
 27 **twenty (20) days after the nomination date for a candidate chosen at**
 28 **a state convention.**

29 ~~(b)~~ **(c) The reporting period for a the first report required under**
 30 **for a candidate this section begins on the date that the individual**
 31 **became a candidate and ends on the day following the adjournment of**
 32 **the state convention.**

33 SECTION 41. IC 3-9-5-8.2 IS ADDED TO THE INDIANA CODE
 34 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 35 **UPON PASSAGE]: Sec. 8.2. (a) This section applies to a candidate**
 36 **who is nominated by petition under IC 3-8-6.**

37 **(b) A candidate is not required to prepare or file a report**
 38 **before the nomination date.**

39 **(c) The period for the first report required for a candidate**
 40 **begins on the date that the individual became a candidate and ends**
 41 **fourteen (14) days after the nomination date.**

42 SECTION 42. IC 3-9-5-8.4 IS ADDED TO THE INDIANA CODE
 43 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 44 **UPON PASSAGE]: Sec. 8.4. (a) This section applies to a candidate**
 45 **who files a declaration of intent to be a write-in candidate under**
 46 **IC 3-8-2.**

47 **(b) A candidate is not required to prepare or file a report**
 48 **before the nomination date.**

49 **(c) The period for the first report required for a candidate**
 50 **begins on the date that the individual became a candidate and ends**
 51 **fourteen (14) days after the nomination date.**

1 SECTION 43. IC 3-9-5-8.5, AS ADDED BY P.L.3-1997,
 2 SECTION 207, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This section applies to
 4 a candidate who is selected to fill a vacancy on the ballot under
 5 IC 3-13-1 or IC 3-13-2.

6 (b) **A candidate is not required to prepare or file a report**
 7 **before the nomination date.**

8 (c) **Except as provided in subsection (d), the reporting period for**
 9 **the candidate's committee first report required for a candidate**
 10 **begins on the date that the individual became a candidate and ends**
 11 **~~twenty-five (25)~~ fourteen (14) days before after the election.**
 12 **nomination date.**

13 (d) **This subsection applies to a candidate selected under**
 14 **IC 3-13-2 to fill a vacancy on the ballot. A candidate is not required**
 15 **to prepare or file a report before or after the nomination date. The**
 16 **period for the first report required for a candidate begins on the**
 17 **date that the individual became a candidate and ends December 31**
 18 **following the election.**

19 SECTION 44. IC 3-9-5-20, AS ADDED BY P.L.3-1997,
 20 SECTION 214, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section applies
 22 only to a large contribution that satisfies all of the following:

23 (1) The contribution is received by a candidate, the candidate's
 24 committee, or the treasurer of the candidate's committee.

25 (2) The contribution is received:

26 (A) not more than twenty-five (25) days before an election;
 27 and

28 (B) not less than five (5) days before an election.

29 (b) As used in this section, "election" refers to any of the
 30 following:

31 (1) A primary election.

32 (2) A general election.

33 (3) A municipal election.

34 (4) A special election.

35 (5) For candidates nominated at a state convention, the state
 36 convention.

37 (c) As used in this section, "large contribution" means a
 38 contribution of at least one thousand dollars (\$1,000).

39 (d) The treasurer of a candidate's committee shall file a report of
 40 large contributions not later than noon ~~five (5)~~ **four (4)** days before the
 41 election. **The report of large contributions may be filed not earlier**
 42 **than the deadline for filing the most recent report under**
 43 **IC 3-9-5-6(1) or IC 3-9-5-6(2). If the candidate files a report under**
 44 **this subsection before the final date for filing, and subsequently**
 45 **accepts a large contribution, the candidate must file an amended**
 46 **report not later than noon four (4) days before the election. A**
 47 **report filed under this section may be filed by facsimile (fax)**
 48 **transmission.**

49 (e) A report required by subsection (d) must contain all of the
 50 following information for each large contribution:

51 (1) The name of the person making the contribution.

- 1 (2) The address of the person making the contribution.
 2 (3) If the person making the contribution is an individual, the
 3 individual's occupation.
 4 (4) The amount of the contribution.
 5 (5) The date the contribution was received by the treasurer, the
 6 candidate, or the candidate's committee.
 7 (f) If no large contributions were received, the treasurer of the
 8 committee shall report that fact.
 9 (g) The commission shall prescribe the form for the report
 10 required by this section."
 11 Page 25, delete lines 1 through 6.
 12 Page 26, line 28, delete "[EFFECTIVE JULY" and insert
 13 "[EFFECTIVE UPON PASSAGE]:".
 14 Page 26, line 29, delete "1, 1998]:".
 15 Page 42, line 38, after "on" insert "**noon**".
 16 Page 43, line 16, delete "[EFFECTIVE JULY" and insert
 17 "[EFFECTIVE UPON PASSAGE]:".
 18 Page 43, line 17, delete "1, 1998]:".
 19 Page 44, line 21, after "on" insert "**noon**".
 20 Page 46, line 30, after "unoccupied" insert "**private**".
 21 Page 47, delete lines 2 through 42.
 22 Page 48, delete lines 1 through 19.
 23 Page 48, line 23, delete "IC 3-9-5-21;".
 24 Page 48, delete lines 27 through 42.
 25 Page 49, delete lines 1 through 29.
 26 Page 50, delete line 42.
 27 Page 51, delete lines 1 through 18.
 28 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1174 as reprinted February 24, 1998.)

Conference Committee Report
on
Engrossed House Bill 1174

Signed by:

Senator Landske

Representative Kromkowski

Senator Rogers

Representative Behning

Senate Conferees

House Conferees