

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Elections, to which was referred Senate Bill No. 335, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and
2 insert:
- 3 "SECTION 1. IC 3-6-4.2-14, AS ADDED BY P.L.3-1997,
4 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 1997 (RETROACTIVE)]: Sec. 14. (a) Each year the
6 election division shall call a meeting of all the members of the county
7 election boards and the boards of registration to instruct them as to
8 their duties under this title. Each circuit court clerk shall attend the
9 meeting.
- 10 (b) The co-directors of the election division shall set the time and
11 place of the instructional meeting. In years in which a primary election
12 is held, the election division shall conduct the meeting before primary
13 election day. The instructional meeting may not last for more than two
14 (2) days.
- 15 (c) Each member of a county election board or board of
16 registration is entitled to receive: a:
- 17 (1) a per diem of twenty-four dollars (\$24) for attending the

- 1 instructional meeting required by this section;
- 2 (2) a mileage allowance at the state rate for the distance
- 3 necessarily traveled in going and returning from the place of the
- 4 instructional meeting required by this section; ~~and~~
- 5 (3) reimbursement for the payment of the instructional meeting
- 6 registration fee from the county general fund without
- 7 appropriation; ~~and~~
- 8 **(4) an allowance for lodging for each night preceding**
- 9 **conference attendance equal to the lodging allowance**
- 10 **provided to state employees in travel status.**

11 SECTION 2. IC 3-6-5-4, AS AMENDED BY P.L.3-1997,

12 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

13 UPON PASSAGE]: Sec. 4. The board members appointed by the

14 circuit court clerk serve **for a term of four (4) years and** until their

15 successors are appointed and qualified, **subject to the member's**

16 **removal under section 6 of this chapter.**

17 SECTION 3. IC 3-8-1-1, AS AMENDED BY P.L.3-1997,

18 SECTION 110, IS AMENDED TO READ AS FOLLOWS

19 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not

20 apply to a candidate for any of the following offices:

21 (1) Judge of a city court. ~~in a city located in a county having a~~

22 ~~population of:~~

23 ~~(A) more than four hundred thousand (400,000) but less~~

24 ~~than seven hundred thousand (700,000); or~~

25 ~~(B) more than two hundred thousand (200,000) but less~~

26 ~~than three hundred thousand (300,000);~~

27 ~~(2) judge of a city court in a third class city; or~~

28 ~~(3) (2) Judge of a town court.~~

29 (b) A person is not qualified to run for:

30 (1) a state office;

31 (2) a legislative office;

32 (3) a local office; or

33 (4) a school board office;

34 unless the person is registered to vote in the election district the person

35 seeks to represent not later than the deadline for filing the declaration

36 or petition of candidacy or certificate of nomination.

37 (c) If a candidate filing error is made by the election division or a

38 circuit court clerk, the error does not invalidate the filing.

1 SECTION 4. IC 3-8-1-1.5, AS AMENDED BY P.L.3-1997,
 2 SECTION 111, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 1998] : Sec. 1.5. (a) This section applies to a
 4 candidate for any of the following offices:

5 (1) Judge of a city court in a city located in a county having a
 6 population of

7 ~~(A) more than four hundred thousand (400,000) but less~~
 8 ~~than seven hundred thousand (700,000); or~~

9 ~~(B) more than two hundred thousand (200,000) but less~~
 10 ~~than three hundred thousand (300,000).~~

11 ~~(2) Judge of a city court in a third class city.~~

12 ~~(3)~~ (2) Judge of a town court.

13 (b) A person is not qualified to run for an office subject to this
 14 section unless the person is registered to vote in a county in which the
 15 municipality is located **not later than the deadline for filing the**
 16 **declaration or petition of candidacy or certificate of nomination.**

17 SECTION 5. IC 3-8-1-2, AS AMENDED BY P.L.3-1997,
 18 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission, ~~or~~ a
 20 county election board, **or a town election board** shall act in
 21 accordance with this section if a candidate ~~in accordance with this~~
 22 ~~section~~ (or a person acting on behalf of a candidate in accordance with
 23 state law) has filed any of the following:

24 (1) A declaration of candidacy under IC 3-8-2 **or IC 3-8-5.**

25 (2) A request for ballot placement in a presidential primary
 26 under IC 3-8-3.

27 (3) A petition of nomination or candidate's consent to
 28 nomination under IC 3-8-6.

29 (4) A certificate of nomination under **IC 3-8-5, IC 3-8-7,**
 30 **IC 3-10-2-15, or IC 3-10-6-12.**

31 (5) A certificate of candidate selection under IC 3-13-1 or
 32 IC 3-13-2.

33 **(6) A declaration of intent to be a write-in candidate under**
 34 **IC 3-8-2-2.5.**

35 (b) The commission has jurisdiction to act under this section with
 36 regard to any filing described in subsection (a) that was made with the
 37 election division. **Except for a filing under the jurisdiction of a town**
 38 **election board,** a county election board has jurisdiction to act under

1 this section with regard to any filing described in subsection (a) that
 2 was made with the county election board, county voter registration
 3 office, or the circuit court clerk. **A town election board has**
 4 **jurisdiction to act under this section with regard to any filing that**
 5 **was made with the county election board, the county voter**
 6 **registration office, or the circuit court clerk for nomination or**
 7 **election to a town office.**

8 (c) Before the commission or ~~county~~ election board acts under this
 9 section, a registered voter of the election district that a candidate seeks
 10 to represent must file a sworn statement with the election division or a
 11 county election board:

- 12 (1) questioning the eligibility of a candidate to seek the office;
- 13 and
- 14 (2) setting forth the facts known to the voter concerning this
- 15 question.

16 (d) Upon the filing of a sworn statement under subsection (c), the
 17 commission or ~~county~~ election board shall determine the validity of the
 18 questioned declaration of candidacy, **declaration of intent to be a**
 19 **write-in candidate**, request for ballot placement under IC 3-8-3,
 20 petition of nomination, certificate of nomination, or certificate of
 21 candidate selection issued under IC 3-13-1-15 or IC 3-13-2-8.

22 (e) The commission or ~~county~~ election board shall deny a filing if
 23 the commission or ~~county~~ election board determines that the candidate
 24 has not complied with the applicable requirements for the candidate set
 25 forth in the Constitution of the United States, the Constitution of the
 26 State of Indiana, or this title.

27 SECTION 6. IC 3-8-1-5.5, AS AMENDED BY P.L.3-1997,
 28 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) Except as provided in
 30 IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a ticket, a
 31 person who:

- 32 (1) is defeated in a primary election; or
- 33 (2) appears as a candidate for nomination at a state convention
- 34 **and is defeated; or**
- 35 **(3) files a declaration of candidacy for nomination by a county,**
- 36 **city, or town convention and is defeated;**

37 is not eligible to become a candidate for the same office in the next
 38 general or municipal election.

- 1 (b) For the purposes of subsection (a):
 2 (1) a candidate for an at-large seat on a fiscal body is considered
 3 a candidate for the same office as a candidate for a district seat
 4 on a fiscal body; and
 5 (2) a candidate for United States representative from a district in
 6 Indiana is considered a candidate for the same office as a
 7 candidate for any other congressional district in Indiana.

8 (c) This section does not apply to a candidate who files a written
 9 request for placement on the presidential primary ballot under IC 3-8-3.

10 SECTION 7. IC 3-8-1-28.5, AS AMENDED BY P.L.12-1997,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 1998]: Sec. 28.5. (a) This section does not apply to a
 13 candidate for the office of judge of a city court in a city located in a
 14 county having a population of more than two hundred thousand
 15 (200,000) but less than three hundred thousand (300,000).

16 (b) A candidate for the office of judge of a city court must reside
 17 in the city upon filing a declaration of candidacy **or declaration of**
 18 **intent to be a write-in candidate** required under IC 3-8-2, ~~or~~ a petition
 19 of nomination under IC 3-8-6, **or a certificate of nomination under**
 20 **IC 3-10-6-12.**

21 (c) A candidate for the office of judge of a city court must reside
 22 in ~~the~~ **a county in which the city is located** upon the filing of a
 23 certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

24 SECTION 8. IC 3-8-2-19, AS AMENDED BY P.L.3-1997,
 25 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Upon receipt of the
 27 certified list under section 17 of this chapter, a county election board
 28 shall immediately compile under the proper political party designation
 29 the following:

- 30 (1) The title of each office.
 31 (2) The name of each individual who has filed a ~~written~~ request
 32 to be placed on the presidential primary ballot.
 33 (3) The names and addresses of all persons for whom
 34 declarations of candidacy have been filed for nomination to an
 35 office on the primary election ballot.
 36 (4) The names and addresses of all persons who have filed a
 37 petition of nomination for election to a school board office to be
 38 chosen at the same time as the primary election.

- 1 (5) The text of any public question to be placed on the ballot.
- 2 (6) The date of the primary election.
- 3 (7) The hours during which the polls will be open.
- 4 (b) The county election board shall do the following:
- 5 (1) Publish the information described in subsection (a) before
- 6 the primary election in accordance with IC 5-3-1.
- 7 (2) File a copy of the information described in subsection (a):
- 8 (A) with the election division; and
- 9 (B) in the minutes of the county election board.
- 10 (c) The county election board shall file the copies required under
- 11 subsection (b)(2) not later than noon, ten (10) days before election day.
- 12 (d) An election is not invalidated by the failure of the board to
- 13 comply with this section.
- 14 (e) If the county election board receives an amendment from the
- 15 election division under section 17 of this chapter after:
- 16 (1) compilation of the information described in subsection (a)
- 17 has occurred; or
- 18 (2) the board determines that it is impractical to recompile
- 19 completely revised information;
- 20 the board is only required to ~~provide copies~~ **file a copy** of the
- 21 amendment to ~~persons listed in subsection (b)(2)~~ **with the minutes of**
- 22 **the board.**
- 23 SECTION 9. IC 3-8-5-17, AS ADDED BY P.L.3-1995, SECTION
- 24 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
- 25 PASSAGE]: Sec. 17. (a) This section applies to a political party:
- 26 (1) not qualified to conduct a primary election under IC 3-10;
- 27 and
- 28 (2) not required to nominate candidates by a petition of
- 29 nomination under IC 3-8-6.
- 30 (b) **An individual who desires to be nominated for a town office**
- 31 **by the political party must file a declaration of candidacy in the**
- 32 **same manner as a candidate for nomination by a major political**
- 33 **party under section 10.5 of this chapter. If a convention would be**
- 34 **required for the political party under section 10 of this chapter,** the
- 35 political party shall conduct a convention to nominate candidates for
- 36 town office not later than the date for conducting a major party town
- 37 convention under section 10 of this chapter.
- 38 (c) The chairman and secretary of the town convention shall

1 execute, acknowledge, and file a certificate setting forth the nominees
2 of the convention in accordance with section 13 of this chapter.

3 (d) Each candidate nominated under this section shall execute a
4 consent to the nomination in the same form as a candidate nominated
5 by petition under IC 3-8-6. The consent must be filed with the
6 certificate under subsection (c). **An individual who wishes to
7 withdraw as a candidate after nomination by the convention must
8 do so in the manner prescribed by section 14.5 of this chapter.**

9 (e) The circuit court clerk shall file a copy of each certificate and
10 each candidate's consent with the town clerk-treasurer in accordance
11 with section 13 of this chapter."

12 Page 2, delete lines 1 through 3.

13 Page 2, line 5, delete "Except as provided in".

14 Page 2, line 6, delete "subsection (e), if" and insert "If".

15 Page 2, line 7, delete "both".

16 Page 2, line 8, after "(1)" insert "**both**".

17 Page 2, line 9, after "(2)" insert "**both**".

18 Page 2, line 9, delete "or".

19 Page 2, line 10, after "(3)" insert "**both**".

20 Page 2, between lines 10 and 11, begin a new line block indented
21 and insert:

22 **"(4) more than one (1) petition; or**

23 **(5) more than one (1) convention;"**.

24 Page 3, line 16, delete "to an individual described by" and insert
25 **"only to a person nominated by more than one (1) petition. The
26 person's name must be placed on the list of candidates nominated
27 by petition for the first petition of nomination certified under
28 IC 3-8-6 and filed with the election division or county election
29 board under IC 3-8-6-10(c), and the place occupied by the person's
30 name in a subsequent petition must be left blank. However, if the
31 candidate files a written statement:**

32 **(1) acknowledged before a person who is authorized to take
33 acknowledgments;**

34 **(2) in the office where a petition of nomination for the office
35 must be filed;**

36 **(3) not later than noon the last day for filing a petition of
37 nomination under IC 3-8-6-10(c); and**

38 **(4) requesting that the person's name be printed as**

1 nominated by a subsequent petition;
 2 the person's name must be placed on the list of candidates
 3 nominated by the subsequent petition.

4 (f) This subsection applies to a person nominated by more than
 5 one (1) convention. The person's name must be placed on the list of
 6 candidates nominated by convention for the first certificate of
 7 nomination filed with the public official with whom the certificate
 8 is required to be filed, and the place occupied by the person's name
 9 in a subsequent certificate of nomination of the convention must be
 10 left blank. However, if the candidate files a written statement:

11 (1) acknowledged before a person who is authorized to take
 12 acknowledgments;

13 (2) in the office where a certificate of nomination for the
 14 office must be filed;

15 (3) not later than noon the last day for filing a certificate of
 16 nomination; and

17 (4) requesting that the person's name be printed as
 18 nominated by a subsequent convention;

19 the person's name must be printed as nominated by the subsequent
 20 convention."

21 Page 3, delete lines 17 through 42.

22 Page 4, delete lines 1 through 12.

23 Page 4, line 13, delete "(i)" and insert "(f)".

24 Page 4, line 26, after "accept" insert ".".

25 Page 4, delete lines 27 through 29.

26 Page 5, delete lines 1 through 3.

27 Page 5, line 4, delete "in the manner prescribed by section 20 of
 28 this chapter, the" and insert "The".

29 Page 5, line 8, after "convention." insert "**If the candidate is
 30 nominated by more than one (1) convention or more than one (1)
 31 petition and the candidate does not make the election, the election
 32 division or clerk shall give preference to the first certificate of
 33 nomination for a convention given to the candidate under
 34 IC 3-8-5-13 or IC 3-8-7-8 or first petition of nomination given to
 35 the candidate under IC 3-8-6-10.**"

36 Page 5, between lines 8 and 9, begin a new paragraph and insert:

37 "SECTION 13. IC 3-8-7-24, AS AMENDED BY P.L.3-1997,
 38 SECTION 164, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE UPON PASSAGE]: Sec. 24. The election division and
 2 each circuit court clerk shall preserve ~~in their offices~~ all certificates and
 3 petitions of nomination filed under this article for the period required
 4 under IC 3-10-1-31.

5 SECTION 14. IC 3-10-1-33, AS AMENDED BY P.L.3-1997,
 6 SECTION 217, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE UPON PASSAGE]: Sec. 33. **(a)** The county election
 8 board shall also make an additional duplicate showing the votes cast
 9 for each candidate required to file a declaration of candidacy with the
 10 election division under IC 3-8-2. ~~or for whom a certificate of~~
 11 ~~nomination must be filed with the election division under IC 3-8-7.~~

12 **(b)** The circuit court clerk shall, not later than **noon on the**
 13 Monday following the primary election, send to the election division by
 14 certified mail or hand deliver to the election division one (1) complete
 15 copy of all returns for these candidates.

16 SECTION 15. IC 3-11-3-6, AS AMENDED BY P.L.3-1997,
 17 SECTION 268, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~(a) Each circuit court clerk~~
 19 ~~shall pick up~~ **The election division shall deliver** the state and
 20 presidential paper ballots at a site ~~designated by the election division.~~

21 **(b)** Each clerk is entitled to a mileage allowance for the distance
 22 necessarily traveled in going to and returning from the site designated
 23 by the election division. ~~The mileage rate equals the mileage rate paid~~
 24 ~~to state officers and employees.~~ **by certified mail, or by another**
 25 **means of delivery that includes a return receipt, to:**

26 **(1) each circuit court clerk; or**

27 **(2) in a county subject to IC 3-6-5.2, the chief deputy of the**
 28 **combined board.**

29 SECTION 16. IC 3-11-3-29.5, AS AMENDED BY P.L.3-1997,
 30 SECTION 272, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: Sec. 29.5. (a) The election division
 32 or an election board shall act under subsection (c) **to print new ballots**
 33 or have pasters made to cover the name of a candidate who has died or
 34 is no longer a candidate under IC 3-13-2-1 if:

35 **(1)** the candidate's party does not fill the vacancy under
 36 IC 3-13-1 or IC 3-13-2 not later than noon, five (5) days before
 37 the election; and

38 **(2) when a candidate has died,** the election division or election

1 board:

2 (A) receives a certificate of death issued under IC 16-37-3
3 not later than **noon** the seventh day before the election; or
4 (B) by unanimous vote of the entire membership **if the**
5 **election division or election board finds** that there is good
6 cause to believe that the candidate has died.

7 (b) The election division or election board shall provide the
8 number of opaque pasters the election division or election board
9 determines to be necessary for all ballots to reflect a vacancy to the
10 following:

- 11 (1) The absentee voter board.
- 12 (2) The inspector of each precinct in which the candidate is on
13 the ballot.
- 14 (3) The circuit court clerk.

15 (c) If the election division or election board determines that the
16 use of pasters under this section would be impractical or uneconomical,
17 the election division or board may order the printing of new ballots that
18 omit the name of a candidate described in subsection (a). A ballot
19 printed under this subsection must contain the statement "NO
20 CANDIDATE" or "CANDIDATE DECEASED" or words to that effect
21 at the appropriate position on the ballot.

22 (d) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled
23 after noon five (5) days before the election, the election division or
24 election board is not required to reprint ballots or have pasters with the
25 name of the successor candidate placed over the name of an individual
26 who is no longer a candidate but may do so upon the vote of the
27 commission or election board.

28 SECTION 17. IC 3-11-4-2 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter who
30 is eligible to vote by absentee ballot must apply to the county election
31 board for an official absentee ballot.

32 (b) **If an individual applies for an absentee ballot as the**
33 **properly authorized attorney in fact for a voter, the attorney in**
34 **fact must attach a copy of the power of attorney to the application.**

35 SECTION 18. IC 3-11-4-3, AS AMENDED BY P.L.3-1997,
36 SECTION 273, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in
38 **subsections (b) and (c) subsection (b)** and sections 6 and 8 of this

1 chapter, an application for an absentee ballot must be received by the
 2 circuit court clerk (**or, in a county having a population of more than**
 3 **four hundred thousand (400,000) but less than seven hundred**
 4 **thousand (700,000), the chief deputy of the combined board, as**
 5 **defined in IC 3-6-5.2-2) not earlier than ninety (90) days before**
 6 election day nor later than **the following:**

7 (1) Noon on the day before election day if the voter completes
 8 the application in the office of the circuit court clerk.

9 (2) Noon on the day before election day if:

10 (A) the application is a mailed or hand delivered application
 11 from a confined voter or ~~person voter~~ caring for a confined
 12 person; and

13 (B) the applicant requests that the absentee ballots be
 14 delivered to the applicant by an absentee voter board. ~~or~~

15 (3) Midnight on the eighth day before election day if the
 16 application:

17 (A) is a mailed application; or

18 (B) was transmitted by a facsimile (FAX) machine;

19 from other voters.

20 (b) This subsection applies to an absentee ballot application from
 21 a confined voter or ~~person voter~~ caring for a confined ~~voter person~~
 22 that is **sent by facsimile (fax) transmission**, mailed, or hand delivered
 23 to the circuit court clerk of a county having a consolidated city. An
 24 application subject to this subsection that is **sent by facsimile (fax)**
 25 **transmission or** hand delivered must be received by the circuit court
 26 clerk not earlier than ninety (90) days before election day nor later than
 27 10 p.m. on the fifth day before election day. An application subject to
 28 this subsection that is mailed must be received by the circuit court clerk
 29 not earlier than ninety (90) days before election day and not later than
 30 10 p.m. on the eighth day before election day.

31 ~~(c) This subsection applies to an absentee ballot application from~~
 32 ~~a confined voter or a person caring for a confined voter that is mailed~~
 33 ~~or hand delivered to the circuit court clerk of a county having a~~
 34 ~~population of more than four hundred thousand (400,000) but less than~~
 35 ~~seven hundred thousand (700,000). An application subject to this~~
 36 ~~section must be received by the chief deputy of the combined board not~~
 37 ~~earlier than ninety (90) days before election day nor later than 10 p.m.~~
 38 ~~on the fourth day before election day.~~

1 SECTION 19. IC 3-11-4-21, AS AMENDED BY P.L.3-1997,
2 SECTION 281, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: Sec. 21. (a) On the other side of the
4 envelope required by section 20 of this chapter shall be printed an
5 affidavit providing that the voter affirms under penalty of perjury that
6 the following information is true:

7 (1) The name of the precinct and township (or ward and city or
8 town).

9 (2) That the voter is:

10 (A) a resident of; or

11 (B) entitled under IC 3-10-11 or IC 3-10-12 to vote in;
12 the precinct.

13 (3) The voter's complete residence address, including the name
14 of the city or town and county.

15 (4) That the voter is entitled to vote in the precinct, the type of
16 election to be held, and the date of the election.

17 (5) That:

18 (A) the voter has personally marked the enclosed ballot or
19 ballots in secret and has enclosed them in this envelope and
20 sealed them without exhibiting them to any other person;

21 **(B) the voter personally marked the enclosed ballot or**
22 **ballots, enclosed them in this envelope, and sealed them**
23 **with the assistance of an individual whose name is set**
24 **forth on the envelope and who affirms under penalty of**
25 **perjury that the voter was not coerced or improperly**
26 **influenced by the individual assisting the voter or any**
27 **other person, in a manner prohibited by state or federal**
28 **law, to cast the ballot for or against any candidate,**
29 **political party, or public question; or**

30 (C) as the properly authorized attorney in fact for the
31 undersigned under IC 30-5-5-14, the attorney in fact affirms
32 the voter personally marked the enclosed ballot or ballots in
33 secret and enclosed them in this envelope and sealed them
34 without exhibiting them to the attorney in fact or to any
35 other person).

36 (6) The date and the voter's signature.

37 (b) If the affidavit is signed by an attorney in fact, the name of the
38 attorney in fact must be indicated. ~~and a copy of the power of attorney~~

1 ~~attached to the affidavit.~~

2 (c) A guardian or conservator of an individual may not sign an
3 affidavit for the individual under this section unless the guardian or
4 conservator also holds a power of attorney authorizing the guardian or
5 conservator to sign the affidavit.

6 SECTION 20. IC 3-11-7-9 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. If a voter votes a
8 straight party ticket for more than one (1) political party, a ballot card
9 voting system must consider the whole ballot void **except for the**
10 **voter's vote for a school board candidate or on a public question** in
11 accordance with IC 3-12-1-7(d).

12 SECTION 21. IC 3-11-8-6, AS AMENDED BY P.L.3-1997,
13 SECTION 298, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If possible, the county
15 executive shall locate the polls for each precinct in a facility that meets
16 **the standards for** accessibility ~~guidelines established by the~~
17 ~~commission for~~ voters with disabilities and elderly voters and ~~in~~
18 ~~accordance with~~ **established under** 42 U.S.C. 1973ee through
19 1973ee-6. If the county executive determines that no accessible facility
20 is available in a precinct and that no facility can be made temporarily
21 accessible, the county executive shall designate at least one (1) special
22 voting poll in the county at least twenty-nine (29) days before election
23 day. A special voting poll must:

- 24 (1) be accessible to voters with disabilities and elderly voters
25 under federal law; and
- 26 (2) operate under all other requirements for precincts and polls
27 under this title.

28 (b) The county executive shall:

- 29 (1) provide public notice; and
- 30 (2) file a report;

31 listing each inaccessible precinct and each special voting poll in the
32 county with the election division at least twenty-nine (29) days before
33 election day. The list shall be available to any person upon request.

34 (c) A precinct poll may also be used as a special voting poll for the
35 county if the precinct poll meets the standards for accessibility by
36 voters with disabilities and elderly voters established under federal law.

37 (d) The county election board shall assign a special voting poll to
38 a voter with disabilities or elderly voter:

- 1 (1) whose regular precinct poll is inaccessible to voters with
- 2 disabilities or elderly voters; and
- 3 (2) who submits an application on a form prescribed by the
- 4 commission at least ten (10) days before election day.
- 5 (e) Applications may be submitted under subsection (d)(2):
- 6 (1) in person at the principal office of the county election board;
- 7 or
- 8 (2) by mail.
- 9 (f) The precinct election board at a special voting poll shall do the
- 10 following:
- 11 (1) Provide each voter with disabilities or elderly voter assigned
- 12 under subsection (d) a ballot that includes all offices and public
- 13 questions to be voted for in the voter's precinct of residence.
- 14 (2) Prepare a separate poll list for the voters with disabilities and
- 15 elderly voters assigned to the special voting poll.
- 16 (g) Votes cast at a special voting poll shall be counted and
- 17 reported in the same manner as votes cast at a precinct under this title.
- 18 SECTION 22. IC 3-11-10-17, AS AMENDED BY P.L.3-1997,
- 19 SECTION 304, IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 1998]: Sec. 17. (a) If the inspector finds under
- 21 section 15 of this chapter that:
- 22 (1) the affidavit is insufficient or the ballot has not been
- 23 endorsed with the initials of:
- 24 (A) the two (2) members of the absentee voter board in the
- 25 office of the circuit court clerk under IC 3-11-4-19 or
- 26 ~~IC 3-11-10-26~~; or **section 26 of this chapter;**
- 27 (B) **the two (2) members of the absentee voter board**
- 28 **visiting the voter under section 25(b) of the chapter; or**
- 29 (C) the two (2) appointed members of the county election
- 30 board or their designated representatives under
- 31 IC 3-11-4-19;
- 32 (2) a copy of the voter's signature has been furnished to the
- 33 precinct election board and that the signatures do not correspond
- 34 or there is no signature;
- 35 (3) the absentee voter is not a qualified voter in the precinct;
- 36 (4) the absentee voter has voted in person at the election;
- 37 (5) the absentee voter has not registered;
- 38 (6) the ballot is open, or has been opened and resealed;

- 1 (7) the ballot envelope contains more than one (1) ballot of any
- 2 kind **for the same office or public question;**
- 3 (8) in case of a primary election, if the absentee voter has not
- 4 previously voted, the voter failed to execute the proper
- 5 declaration relative to age and qualifications and the political
- 6 party with which the voter intends to affiliate; or
- 7 (9) the ballot has been challenged and not supported;

8 then the ballots may not be accepted or counted.

9 **(b) This subsection applies whenever a voter with a disability**
10 **is unable to make a signature:**

11 **(1) on an absentee ballot application that corresponds to the**
12 **voter's signature in the records of the county voter**
13 **registration office; or**

14 **(2) on an absentee ballot secrecy envelope that corresponds**
15 **with the voter's signature:**

16 **(A) in the records of the county voter registration office;**
17 **or**

18 **(B) on the absentee ballot application.**

19 **(c) The voter may request that the voter's signature or mark**
20 **be attested to by:**

21 **(1) the absentee voter board under section 25(b) of this**
22 **chapter;**

23 **(2) a member of the voter's household; or**

24 **(3) an individual serving as attorney in fact for the voter.**

25 **(d) An attestation under subsection (c) provides an adequate**
26 **basis for an inspector to determine that a signature or mark**
27 **complies with subsection (a)(2).**

28 SECTION 23. IC 3-11-10-24, AS AMENDED BY P.L.3-1997,
29 SECTION 305, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Except as provided in
31 subsection (b), each voter entitled to vote by absentee ballot is entitled
32 to vote by mail.

33 (b) A voter with disabilities who:

34 **(1) is unable to make a voting mark on the ballot or sign the**
35 **absentee ballot secrecy envelope; and**

36 **(2) requests that the absentee ballot be delivered to an**
37 **address within Indiana;**

38 must vote before an absentee voter board under section 25(b) of this

1 chapter.

2 (c) After a voter has mailed an absentee ballot to the office of the
3 circuit court clerk, the voter may not recast a ballot, except as provided
4 in:

5 (1) section 1.5 of this chapter; or

6 (2) section 33 of this chapter.

7 SECTION 24. IC 3-11.5-4-13 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) If the
9 absentee ballot counters find under section 11 of this chapter that:

10 (1) the affidavit is insufficient **or that the ballot has not been**
11 **endorsed with the initials of:**

12 (A) **the two (2) members of the absentee voter board in**
13 **the office of the circuit court clerk under IC 3-11-4-19 or**
14 **IC 3-11-10-26;**

15 (B) **the two (2) members of the absentee voter board**
16 **visiting the voter under IC 3-11-10-25; or**

17 (C) **the two (2) appointed members of the county**
18 **election board or their designated representatives under**
19 **IC 3-11-4-19;**

20 (2) the signatures do not correspond or there is no signature;

21 (3) the absentee voter is not a qualified voter in the precinct;

22 (4) the absentee voter has voted in person at the election;

23 (5) the absentee voter has not registered;

24 (6) the ballot is open, or has been opened and resealed;

25 (7) the ballot envelope contains more than one (1) ballot of any
26 kind;

27 (8) in case of a primary election, if the absentee voter has not
28 previously voted, the voter failed to execute the proper
29 declaration relative to age and qualifications and the political
30 party with which the voter intends to affiliate; or

31 (9) the ballot has been challenged and not supported;

32 the ballots shall be rejected.

33 (b) If the absentee ballot counters are unable to agree on a finding
34 described under this section or section 12 of this chapter, the county
35 election board shall make the finding.

36 (c) The absentee ballot counters or county election board shall
37 issue a certificate to a voter whose ballot has been rejected under this
38 section if the voter appears in person before the board not later than 5

1 p.m. on election day. The certificate must state that the voter's absentee
2 ballot has been rejected and that the voter may vote in person under
3 section 21 of this chapter if otherwise qualified to vote.

4 SECTION 25. IC 3-11.5-4-22 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Each county
6 election board shall appoint:

- 7 (1) absentee voter boards;
- 8 (2) teams of absentee ballot counters; and
- 9 (3) teams of couriers;

10 consisting of two (2) voters of the county, one (1) from each of the two
11 (2) political parties that have appointed members on the county
12 election board.

13 (b) ~~A~~ **An otherwise qualified** person is ~~not~~ eligible to serve on an
14 absentee voter board or as an absentee ballot counter or a courier ~~if~~
15 **unless** the person:

- 16 (1) is unable to read, write, and speak the English language;
- 17 (2) has any property bet or wagered on the result of the election;
- 18 (3) is a candidate to be voted for at the election, except as an
19 unopposed candidate for precinct committeeman or state
20 convention delegate; or
- 21 (4) is the spouse, parent, father-in-law, mother-in-law, child,
22 son-in-law, daughter-in-law, grandparent, grandchild, brother,
23 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, **or**
24 niece, ~~or first cousin~~ of a candidate or declared write-in
25 candidate to be voted for at the election except as an unopposed
26 candidate. This subdivision disqualifies a person whose
27 relationship to the candidate is the result of birth, marriage, or
28 adoption. ~~This subdivision does not disqualify a person who is~~
29 ~~a spouse of a first cousin of the candidate.~~

30 SECTION 26. IC 3-11.5-4-23, AS AMENDED BY P.L.3-1995,
31 SECTION 118, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) **Not later than noon ten**
33 **(10) days before absentee voting begins under IC 3-11-10-26**, each
34 county election board shall notify the county chairmen of the two (2)
35 political parties that have appointed members on the county election
36 board of the number of:

- 37 (1) absentee voter boards;
- 38 (2) teams of absentee ballot counters; and

1 (3) teams of couriers;
2 to be appointed under section 22 of this chapter.

3 (b) The county chairmen shall make written recommendations for
4 the appointments ~~within ten (10) days after notification under~~
5 ~~subsection (a); and to the county election board not later than noon~~
6 **three (3) days before absentee voting begins under IC 3-11-10-26.**
7 The county election board shall make the appointments as
8 recommended.

9 (c) If a county chairman fails to make any recommendations, then
10 the county election board may appoint any voters of the county.

11 SECTION 27. IC 3-11.5-7-2 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. The voters appointed
13 as couriers or absentee ballot counters under this article shall be
14 compensated in the following manner:

15 (1) Couriers assigned to deliver absentee ballots certifications to
16 the precincts on election day under IC 3-11.5-4-8, are entitled to
17 a per diem ~~not to exceed fifty dollars (\$50)~~ **established by the**
18 **county executive** and a sum for ~~milage equal in rate to that rate~~
19 ~~paid to state officers and employees.~~ **mileage established by the**
20 **county fiscal body.**

21 (2) The absentee ballot counters who are assigned to perform
22 duties regarding absentee ballots on election day are entitled to
23 a per diem ~~not to exceed fifty dollars (\$50);~~ **established by the**
24 **county executive.**

25 SECTION 28. IC 3-12-1-16 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) This section applies**
28 **when:**

- 29 (1) **a ballot:**
30 (A) **contains pasters applied under IC 3-11-3-29.5(a) to**
31 **cover the name of an individual who is no longer a**
32 **candidate; or**
33 (B) **has been reprinted under IC 3-11-3-29.5(c) to omit**
34 **the name of an individual who is no longer a candidate;**
35 **and**

36 (2) **the candidate vacancy has been filled following the**
37 **application of the pasters or the reprinting of the ballots.**

38 (b) **A vote cast on the ballot where the statement "NO**

1 **CANDIDATE" or "CANDIDATE DECEASED" appears is**
2 **considered a vote cast for the successor candidate.**

3 SECTION 29. IC 3-12-5-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) Whenever a
5 candidate is elected:

- 6 (1) to a local or school board office other than:
 - 7 (~~1~~) (A) one for which a town clerk-treasurer issues a
 - 8 certificate of election under IC 3-10-7-34; or
 - 9 (~~2~~) (B) one commissioned by the governor under
 - 10 IC 4-3-1-5; or

11 (2) **a precinct committeeman or state convention delegate;**
12 the circuit court clerk shall, ~~after the expiration of the period required~~
13 **when permitted** under section 16 of this chapter, prepare and deliver
14 to the candidate on demand a certificate of the candidate's election.

15 (b) This subsection applies to a local or school board office
16 described in subsection (a) with an election district located in more
17 than one (1) county ~~or~~ **and** a local public question placed on the ballot
18 in more than one (1) county. The circuit court clerk of the county that
19 contains the greatest percentage of the population of the election
20 district shall, upon demand of the candidate or a person entitled to
21 request a recount of the votes cast on a public question under
22 IC 3-12-12:

- 23 (1) obtain the certified statement of the votes cast for that office
- 24 or on that question that was prepared under IC 3-12-4-9 from the
- 25 circuit court clerk in each other county in which the election
- 26 district is located;
- 27 (2) tabulate the total votes cast for that office or on that question
- 28 as shown on the certified statement of each county in the election
- 29 district; and
- 30 (3) issue a certificate of election to the candidate ~~upon the~~
- 31 ~~expiration of the period required~~ **when permitted** under section
- 32 16 of this chapter or a certificate declaring the local public
- 33 question approved or rejected.

34 SECTION 30. IC 3-12-5-16 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. A certificate of
36 election may not be issued until the ~~ten (10) day~~ period allowed **under**
37 **section 14 of this chapter** for the discovery and correction of errors
38 has expired.

1 SECTION 31. IC 3-12-6-22 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) When a
 3 recount is completed by a commission appointed under this chapter, the
 4 commission shall:

5 (1) make and sign a certificate showing the total number of votes
 6 received in the precincts by each candidate for nomination or
 7 election to the office;

8 (2) state in its certificate the candidate who received the highest
 9 number of votes in the precincts for nomination or election to the
 10 office and by what plurality; and

11 (3) file its certificate with the circuit court clerk.

12 (b) The **circuit court** clerk shall:

13 (1) enter the certificate in the order book of the court;

14 (2) **file a copy of the certificate in the minutes of the county
 15 election board; and**

16 (3) **if the recount concerned an office for which a declaration
 17 of candidacy must be filed with the election division under
 18 IC 3-8-2, file a copy of the certificate with the election
 19 division not later than seven (7) days after the date the
 20 recount commission filed the certificate with the circuit court
 21 clerk.**

22 SECTION 32. IC 3-12-6-28, AS AMENDED BY P.L.3-1997,
 23 SECTION 362, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE UPON PASSAGE]: Sec. 28. A circuit court clerk shall
 25 immediately transmit a certificate prepared under section 27 of this
 26 chapter showing the votes cast for nomination or election to an office
 27 to the election division **if the recount concerned an office for which
 28 a declaration of candidacy must be filed with the election division
 29 under IC 3-8-2.**

30 SECTION 33. IC 3-12-8-18 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. A circuit court
 32 clerk shall certify the determination made **concerning the election
 33 contest** under section 17 of this chapter to the: ~~appropriate public
 34 official:~~

35 (1) **county election board;**

36 (2) **election division, if the contest concerned an office for
 37 which a declaration of candidacy must be filed with the
 38 election division under IC 3-8-2; and**

1 **(3) governor, if the contest concerned an office commissioned**
 2 **by the governor under IC 4-3-1-5.**

3 SECTION 34. IC 3-13-9-5.6 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5.6. (a) If fewer town
 5 council members have been elected at large than there were members
 6 to be elected, the town council shall determine, ~~at the council's first~~
 7 ~~organizational meeting~~ **not later than December 31** following the
 8 election, the incumbent council member or members who hold office
 9 under Article 15, Section 3 of the Constitution of the State of Indiana
 10 until a successor is elected and qualified. If a tie vote occurs during the
 11 vote to determine the members that continue to hold office, the town
 12 clerk-treasurer casts the deciding vote under IC 36-5-2-8.

13 (b) The town clerk-treasurer shall give notice of the meeting.

14 (c) The notice must:

15 (1) be in writing;

16 (2) state the purpose of the meeting;

17 (3) state the date, time, and place of the meeting; and

18 (4) be sent by first class mail to each member of the town
 19 council at least ten (10) days before the meeting.

20 SECTION 35. IC 3-13-11-18 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. A person who
 22 assumes the duties of a vacant office under this chapter has all of ~~its~~
 23 ~~the office's~~ rights and duties. **Except as otherwise provided in**
 24 **IC 3-13-6, the person serves for the remainder of the unexpired**
 25 **term.**

26 SECTION 36. IC 3-14-2-16, AS AMENDED BY P.L.4-1996,
 27 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 16. A person who knowingly does any of the
 29 following commits a Class D felony:

30 (1) Applies for or receives a ballot in a precinct other than that
 31 **precinct** in which the person is entitled to vote.

32 (2) **Except when receiving assistance under IC 3-11-9**, shows
 33 a ballot after it is marked to another person in such a way as to
 34 reveal the contents of it or the name of a candidate for whom the
 35 person has voted.

36 (3) **Except when offering assistance requested by a voter in**
 37 **accordance with IC 3-11-9**, examines a ballot that a voter has
 38 prepared for voting or solicits the voter to show the ballot.

- 1 (4) Receives from a voter a ballot prepared by the voter for
 2 voting, except:
 3 (A) the inspector;
 4 (B) a member of the precinct election board temporarily
 5 acting for the inspector;
 6 (C) a member of a county election board or an absentee
 7 voter board acting under IC 3-11-10; or
 8 (D) a member of the voter's household or an individual
 9 designated as attorney in fact for the voter, when delivering
 10 an envelope containing an absentee ballot under
 11 IC 3-11-10-1.
- 12 (5) Receives a ballot from a person other than one of the poll
 13 clerks or authorized assistant poll clerks.
- 14 (6) Delivers a ballot to a voter to be voted, unless the person is:
 15 (A) a poll clerk or authorized assistant poll clerk; or
 16 (B) **a member of a county election board or an absentee**
 17 **voter board acting under IC 3-11-10.**
- 18 (7) Delivers a ballot (other than an absentee ballot) to an
 19 inspector that is not the ballot the voter receives from the poll
 20 clerk or assistant poll clerk.
- 21 (8) Delivers an absentee ballot to a team of absentee ballot
 22 counters appointed under IC 3-11.5-4-22, a county election
 23 board, a circuit court clerk, or an absentee voting board under
 24 IC 3-11-10 that is not the ballot cast by the absentee voter.

25 SECTION 37. THE FOLLOWING ARE REPEALED
 26 [EFFECTIVE UPON PASSAGE]: IC 3-8-7-9; IC 3-11-3-7;
 27 IC 3-11-3-9.

28 SECTION 38. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]
 29 (a) **This SECTION applies to a candidate for a school board office**
 30 **described by IC 3-8-1-34(b).**

31 (b) **An individual seeking election to a school board office on**
 32 **May 5, 1998:**

33 (1) **is not required to comply with the residence requirement**
 34 **set forth in IC 3-8-1-34(b); and**

35 (2) **must comply with all other candidate requirements for**
 36 **the school board office set forth in IC 3-8-1 or IC 20.**

37 (c) **This SECTION expires June 1, 1998.**

38 SECTION 39. [EFFECTIVE UPON PASSAGE] (a)

1 **Notwithstanding IC 3-6-5-4, as amended by this act, the term of an**
2 **individual serving as a member of a county election board**
3 **appointed by a circuit court clerk on the effective date of this**
4 **SECTION expires July 1, 2001. An individual appointed to fill the**
5 **unexpired term of an individual described by this SECTION serves**
6 **until July 1, 2001.**

7 **(b) This SECTION expires July 2, 2001."**

8 Renumber all SECTIONS consecutively.

(Reference is to SB 335 as introduced.)

and when so amended that said Bill do pass.

Committee Vote: Yeas 10, Nays 0.

Senator Landske, Chairperson