

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Elections, to which was referred House Bill No. 1174, 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, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 2-5-19.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JUNE 1, 1998]:
6 **Chapter 19.5. Office of Census Data**
7 **Sec. 1. The definitions in IC 1-1-3.5 and IC 3-5-2 apply**
8 **throughout this chapter.**
9 **Sec. 2. As used in this chapter, "committee" refers to the**
10 **census data advisory committee established under IC 2-5-19.**
11 **Sec. 3. As used in this chapter, "council" refers to the**
12 **legislative council established under IC 2-5-1.1.**
13 **Sec. 4. As used in this chapter, "office" refers to the office of**
14 **census data established under section 5 of this chapter.**
15 **Sec. 5. The office of census data is established as a separate**
16 **agency within the legislative branch of state government.**
17 **Sec. 6. The office shall do the following:**
18 **(1) Advise and assist the Bureau of the Census and the**

1 committee in defining the boundaries of census blocks in
2 Indiana.

3 (2) Advise and assist the committee in coordinating the
4 state's efforts to obtain an accurate population count in each
5 federal decennial census.

6 (3) Work with other state and federal agencies to assist in the
7 local review program conducted in Indiana.

8 (4) Participate in national associations of state governments
9 to obtain information regarding census count activities
10 conducted by other states.

11 (5) Work with the election division, state agencies, and
12 political subdivisions to maintain accurate information
13 concerning the boundaries of precincts and political
14 subdivisions.

15 (6) Advise and assist the committee in the preparation and
16 organization of decennial census data for use in
17 congressional and state legislative redistricting.

18 (7) Work with political subdivisions following each decennial
19 census to provide information and assistance concerning
20 special censuses, special tabulations, and corrected
21 population counts.

22 Sec. 7. (a) The council shall employ two (2) co-directors who
23 shall administer the office.

24 (b) Each co-director is appointed upon the joint
25 recommendation of the president pro tempore of the senate and the
26 speaker of the house of representatives. One (1) co-director must
27 be affiliated with a major political party of the state and the other
28 co-director must be affiliated with the other major political party
29 of the state.

30 (c) Each co-director is entitled to serve as long as the
31 co-director properly performs the co-director's duties. A
32 co-director may be removed at any time upon the affirmative vote
33 of twelve (12) members of the council.

34 Sec. 8. As provided in IC 3-6-4.2-11, the co-directors serve
35 jointly as the state certifying official for the Boundary and
36 Annexation Survey of the United States Bureau of the Census.

37 Sec. 9. The co-directors shall submit to the council the reports
38 and drafts of resolutions, budgets, and appropriation bills as may

1 **be required for the efficient operation of the office's activities and**
 2 **programs.**

3 **Sec. 10. The council may establish policies regarding the**
 4 **records maintained by the office, including fees for the**
 5 **reproduction of records and whether certain information is**
 6 **confidential.**

7 **Sec. 11. The council shall:**

- 8 **(1) establish the qualifications for personnel of the office;**
 9 **(2) employ personnel to carry out the purposes of this**
 10 **chapter;**
 11 **(3) adopt rules governing personnel practices and**
 12 **establishing the rights, privileges, powers, and duties of all**
 13 **employees;**
 14 **(4) provide for employees to be covered by the public**
 15 **employees' retirement fund; and**
 16 **(5) establish a pay scale for all employees, including the**
 17 **co-directors.**

18 **However, rules adopted by the council under subdivision (3) are**
 19 **not subject to IC 4-22-2. The rules adopted under subdivision (3)**
 20 **may limit the political activity of office employees.**

21 **Sec. 12. There is annually appropriated to the office from the**
 22 **state general fund an amount determined by the council to be**
 23 **sufficient for the office to use to carry out the purposes of this**
 24 **chapter.**

25 **Sec. 13. This chapter expires January 1, 2002.**

26 SECTION 2. IC 3-5-2-1.7, AS AMENDED BY P.L.4-1996,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 1.7. "Active voter" refers to a voter who after
 29 November 3, 1998, satisfies either of the following:

- 30 (1) The voter has:
 31 **(A) registered or voted in any election during the preceding**
 32 **four (4) years at the address indicated on the voter's**
 33 **registration record; and**
 34 **(B) responded in writing to an address confirmation**
 35 **notice sent to the address indicated on the voter's**
 36 **registration record under IC 3-7 not later than thirty**
 37 **(30) days after the notice was sent.**
 38 (2) The voter has not voted in any election during the preceding

1 four (4) years **at the address indicated on the voter's**
 2 **registration record** and has responded **in writing** to a **change**
 3 **of residence an address confirmation** notice sent under IC 3-7
 4 not later than thirty (30) days after the notice was sent.

5 SECTION 3. IC 3-5-2-32.7, AS ADDED BY P.L.3-1997,
 6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 32.7. "Nomination date" refers to the
 8 following:

9 (1) For candidates nominated in a primary election, the date of
 10 the primary election.

11 (2) For candidates nominated in a convention, the date ~~of~~ the
 12 convention **is scheduled to be called to order, according to the**
 13 **call of the convention issued by the political party.**

14 (3) For candidates selected to fill a ballot vacancy, the date
 15 the certificate of selection of the candidate is filed under
 16 **IC 3-13-1-15 or IC 3-13-2-8.**

17 (4) For candidates nominated by petition, the final date the
 18 petition of nomination is permitted to be filed under
 19 **IC 3-8-6-10(c).**

20 (5) For write-in candidates, the final date the candidate's
 21 declaration of intent to be a write-in candidate is permitted
 22 to be filed under **IC 3-8-2-4.**

23 SECTION 4. IC 3-5-2-37, AS AMENDED BY P.L.3-1997,
 24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 37. (a) Except as provided in subsection (b),
 26 "political action committee" means an organization located within or
 27 outside Indiana that satisfies all of the following:

28 (1) ~~The organization is not:~~

29 ~~(A) affiliated with a political party; or~~

30 ~~(B) a candidate's committee.~~

31 ~~(2) The organization proposes to influence:~~

32 ~~(A) the election of a candidate for state, legislative, local, or~~
 33 ~~school board office; or~~

34 ~~(B) the outcome of a public question.~~

35 ~~(3) (2) The organization accepts contributions or makes~~
 36 ~~expenditures during a calendar year:~~

37 ~~(A) to influence the election of a candidate for state,~~
 38 ~~legislative, local, or school board office or the outcome of~~

1 a public question that will appear on the ballot in Indiana;
2 **and**

3 **(B)** that in the aggregate exceed one hundred dollars (\$100).

4 ~~(D)~~ **(3)** The organization is not any of the following:

5 ~~(i)~~ **(A)** An auxiliary party organization.

6 ~~(ii)~~ **(B)** A legislative caucus committee.

7 ~~(iii)~~ **(C)** A regular party committee.

8 ~~(iv)~~ **(D)** A candidate's committee.

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

12 SECTION 5. IC 3-5-4-8, AS ADDED BY P.L.3-1997, SECTION
13 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
14 PASSAGE]: Sec. 8. (a) **Except as provided in subsection (e), but**
15 notwithstanding any other statute, whenever the commission acts under
16 IC 3-6-4.1-14 to approve a uniform election or registration form for use
17 throughout Indiana, or to approve a revision to an existing form, a
18 person must use the most recent version of the form approved by the
19 commission to comply with this title after the effective date of the
20 commission's order approving the form.

21 (b) Except as provided in subsection (d) **or (f)**, before an order
22 approving a form takes effect under this section, the ~~commission~~
23 **election division** shall transmit a copy of each form or revised form
24 approved by the order to the following:

25 (1) Each circuit court clerk, **if the commission determines that**
26 **the form is primarily used by a candidate, a county election**
27 **board member, a county or town political party, for absentee**
28 **ballot purposes, or under IC 3-9 (campaign finance).**

29 (2) Each county voter registration office, if the commission
30 determines that the form is primarily used in voter registration.

31 (3) The state chairman of each major political party.

32 (4) The state chairman of any other political party who has filed
33 a written request with the election division during the preceding
34 twelve (12) months to be furnished with copies of forms.

35 (c) The election division, an election board, a circuit court clerk,
36 a county voter registration office, or any other official responsible for
37 receiving a filing under this title shall reject a filing that does not
38 comply with this section.

1 (d) The commission shall specify the effective date of the form or
2 revised form and may:

3 (1) delay the effective date of the approval of a form or revised
4 form; and

5 (2) permit an earlier approved version of the form or an
6 alternative form to be used before the effective date of the form;
7 if the commission determines that an emergency requires the use of the
8 form before copies can be transmitted to all persons entitled to receive
9 copies of the form under subsection (b).

10 (e) **This subsection applies to a form permitting an individual**
11 **to apply for voter registration or to amend the individual's existing**
12 **voter registration record. The commission may allow an earlier**
13 **approved version of the form to be used if the:**

14 (1) **earlier version of the form complies with all other**
15 **requirements imposed under NVRA or this title; and**

16 (2) **commission determines that the existing stock of the form**
17 **should be exhausted to prevent waste and unnecessary**
18 **expense.**

19 (f) **This subsection applies to a form that the commission**
20 **determines is used primarily by the election division. The**
21 **commission may provide that an order concerning a form**
22 **described by this subsection is effective immediately upon**
23 **adoption, without any requirement to distribute the form to other**
24 **persons.**

25 SECTION 6. IC 3-5-6-6, AS ADDED BY P.L.3-1997, SECTION
26 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
27 PASSAGE]: Sec. 6. (a) Whenever the signature of an individual does
28 not substantially conform with the signature of the registered voter with
29 the name and address in the records of the county voter registration
30 office, the signature is invalid and may not be certified.

31 (b) **In determining whether a signature substantially conforms**
32 **with a voter's signature in the records of the county voter**
33 **registration office, the office must certify the signature if the office**
34 **determines that lack of conformity may reasonably be attributed**
35 **to the age, disability, or impairment of the voter.**

36 SECTION 7. IC 3-6-4.2-11 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE
38 1, 1998]: **Sec. 11. The co-directors of the office of census data serve**

1 **jointly as the state certifying official for the Boundary and**
 2 **Annexation Survey of the United States Bureau of the Census.**

3 SECTION 8. 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 ~~at~~ **all of the following:**

17 (1) ~~A~~ per diem of twenty-four dollars (\$24) for attending the
 18 instructional meeting required by this section.

19 (2) ~~A~~ mileage allowance at the state rate for the distance
 20 necessarily traveled in going and returning from the place of the
 21 instructional meeting required by this section. ~~and~~

22 (3) Reimbursement for the payment of the instructional meeting
 23 registration fee from the county general fund without
 24 appropriation.

25 (4) An allowance for lodging for each night preceding
 26 conference attendance equal to the lodging allowance provided
 27 to state employees in travel status.

28 SECTION 9. IC 3-6-5-4, AS AMENDED BY P.L.3-1997,
 29 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 4. The board members appointed by the
 31 circuit court clerk serve **for a term of four (4) years and** until their
 32 successors are appointed and qualified, **subject to the member's**
 33 **removal under section 6 of this chapter."**

34 Page 3, between lines 7 and 8, begin a new paragraph and insert:

35 "SECTION 16. IC 3-7-35-2, AS ADDED BY P.L.12-1995,
 36 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 2. (a) The ~~circuit court clerk or board of~~
 38 **county voter registration office shall include a notation on the**

1 registration record of ensure that the software program used to
 2 generate the poll list for the precinct in which the voter to indicate
 3 that resides indicates whether or not the name of the voter should not
 4 be included on a poll list.

5 (b) The software program must generate a poll list that does
 6 not include the name of a voter unless the voter will be:

7 (1) at least eighteen (18) years of age when the election is
 8 conducted; or

9 (2) the voter will be eligible to vote in the election under this
 10 article.

11 SECTION 17. IC 3-7-35-3, AS ADDED BY P.L.12-1995,
 12 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 3. (a) The circuit court clerk or board of
 14 county voter registration office shall include a notation on the
 15 registration record of the voter to indicate that ensure that the
 16 software program used to generate a jury list indicates whether or
 17 not the name of the voter should not be used for jury service.

18 (b) The software program must generate a jury list that does
 19 not include the name of a voter unless the voter will be at least
 20 eighteen (18) years of age when the jury is empaneled.

21 SECTION 18. IC 3-7-38.1-4, AS AMENDED BY P.L.3-1997,
 22 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 1997 (RETROACTIVE)]: Sec. 4. (a) A contract entered
 24 into under section 3 of this chapter must require the following:

25 (1) The contractor shall determine the following information
 26 regarding each voter with duplicate registrations:

27 (A) The voter's name.

28 (B) Each address at which the voter is registered.

29 (C) Other information the commission determines is
 30 necessary to implement this chapter.

31 The contractor shall obtain the information required by this
 32 subdivision from the information submitted to the election
 33 division under IC 3-7-26-4. and from voter registration records
 34 of counties that do not keep voter registration records by
 35 computer.

36 (2) The contractor shall compile the information determined
 37 under subdivision (1) and provide the following with the
 38 information compiled under subdivision (1) in the form required

- 1 by the commission:
- 2 (A) The election division.
- 3 (B) Each county in which a voter with a duplicate
- 4 registration is registered to vote.
- 5 (3) The contractor shall print, prepare for mailing, and mail a
- 6 postcard addressed to each voter with duplicate registrations at
- 7 each address found for that voter. Each postcard must contain
- 8 the following:
- 9 (A) The election division's mailing address as a return
- 10 address.
- 11 (B) A return postcard that contains all of the following:
- 12 (i) A mailing address to the election division.
- 13 (ii) A listing of all the addresses at which the voter is
- 14 believed to be registered.
- 15 (iii) Instructions to the voter to indicate ~~on the listing~~
- 16 **of whether** addresses ~~at of the voter's listed on the~~
- 17 **postcard are** previous addresses **of the voter.**
- 18 (iv) A place for the voter to state the voter's current
- 19 address.
- 20 (v) A statement of the voter authorizing cancellation of
- 21 the voter's registration at other addresses in Indiana.
- 22 (vi) A statement informing the voter that the voter must
- 23 return the postcard to the election division not later
- 24 than a date specified by the election division.
- 25 (vii) A place for the voter's signature or mark.
- 26 (C) A statement of the consequences to the voter of the
- 27 voter's failure to return the return postcard to the election
- 28 division not later than a date specified by the election
- 29 division.
- 30 (4) Before ~~April 10~~ **of a date specified by the election division**
- 31 **for** each year, the contractor shall provide to the election
- 32 division the following lists:
- 33 (A) A list of all voters with duplicate registrations who have
- 34 returned postcards to the election division before a date
- 35 specified by the election division. The list must indicate for
- 36 each voter the following information:
- 37 (i) The voter's current address, including the county, as
- 38 provided by the voter.

1 (ii) Each former address, including the county of each
2 former address, at which the voter is registered.

3 (B) A list of all voters with duplicate registrations who have
4 not returned postcards to the election division before a date
5 specified by the election division. The list must indicate
6 each county in which each voter is registered to vote.

7 (5) Not later than a date specified by the election division, the
8 contractor shall mail to each county the following lists:

9 (A) A list of all voters with duplicate registrations who
10 have:

11 (i) returned postcards to the election division before a
12 date specified by the election division; and

13 (ii) indicated a current residence within the county.

14 (B) A list of all voters with duplicate registrations who:

15 (i) have returned postcards to the election division
16 before a date specified by the election division;

17 (ii) are registered to vote in the county; and

18 (iii) have indicated a current residence in another
19 county.

20 (C) A list of all voters with duplicate registrations who:

21 (i) have not returned postcards to the election division
22 before a date specified by the election division; and

23 (ii) are registered to vote in the county.

24 (6) Not later than a date specified by the election division, the
25 contractor shall do the following:

26 (A) Send a postcard to each voter described in subdivision
27 (5)(B) informing the voter how the voter may register to
28 vote in the county of the voter's current residence.

29 (B) Send a postcard to each voter described in subdivision
30 (5)(C) notifying the voter:

31 (i) that if the voter does not notify the county voter
32 registration office of the voter's current residence
33 before a date specified by the election division, the
34 voter's registration will be placed on inactive status;
35 and

36 (ii) of the consequences of the voter's registration being
37 placed on inactive status.

38 Postcards and information supplied on postcards sent under this

1 subdivision must comply with 42 U.S.C. 1973gg-6(d).
2 (7) Not later than a date specified by the election division, the
3 contractor shall assist the election division in updating the
4 statewide voter registration file using information obtained from
5 the county voter registration offices under section 6 of this
6 chapter.

7 (b) The contract may require the contractor to perform other
8 services the election division requires.

9 SECTION 19. IC 3-7-38.1-4.5, AS ADDED BY P.L.3-1997,
10 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 4.5. The election division may require the
12 contractor to provide each county voter registration office with original
13 postcards returned to the ~~commission~~ **election division** or photocopies
14 of the postcards instead of the lists required under section 4 of this
15 chapter.

16 SECTION 20. IC 3-7-38.1-5, AS AMENDED BY P.L.3-1997,
17 SECTION 100, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JANUARY 1, 1997 (RETROACTIVE)]: Sec. 5. After
19 receiving lists under section 4(a)(5) of this chapter or postcards under
20 section 4.5 of this chapter, each county voter registration office shall do
21 the following:

22 (1) Change the registration records of all voters described in
23 section 4(a)(5)(A) of this chapter to show the voter's current
24 address.

25 (2) Cancel the registration of all voters described in section
26 4(a)(5)(B) of this chapter.

27 (3) Place on inactive status the name of each voter described in
28 section 4(a)(5)(C) who has not notified the county voter
29 registration office before ~~June 15~~ **of a date specified by the**
30 **election division for** each year.

31 SECTION 21. IC 3-7-38.1-6, AS ADDED BY P.L.4-1996,
32 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JANUARY 1, 1997 (RETROACTIVE)]: Sec. 6. Before ~~May 25~~ **of a**
34 **date specified by the election division for** each year, each ~~circuit~~
35 ~~court clerk or board of county voter~~ **registration office** shall provide
36 to the contractor ~~a list of information concerning~~ **all voters registered**
37 **in the county:**

38 (1) **in the format prescribed under IC 3-7-26; and**

1 (2) current as of ~~May 15~~ of a date specified by the election
2 division for each year.

3 SECTION 22. IC 3-7-38.1-7, AS ADDED BY P.L.4-1996,
4 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 7. (a) A ~~circuit court clerk or board of county~~
6 voter registration office shall cancel the registration of a voter who is
7 described by both of the following:

- 8 (1) The voter is described in section 4(a)(5)(C) of this chapter.
- 9 (2) The voter has not voted (or appeared to vote or to correct the
10 registration record stating the voter's address) in an election
11 during the period:
 - 12 (A) beginning on the date of the notice sent under section
13 4(a)(3) of this chapter; and
 - 14 (B) ending on the day after the date of the second general
15 election that occurs after the date of the notice sent under
16 section 4(a)(3) of this chapter.

17 **(b) At the expiration of the period ending thirty (30) days after**
18 **the second general election described in subsection (a)(2)(B), the**
19 **county voter registration office shall cancel the registration of a**
20 **voter described by this section.**

21 SECTION 23. IC 3-7-38.2-10, AS ADDED BY P.L.3-1997,
22 SECTION 104, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As provided in 42
24 U.S.C. 1973gg-6(c)(1)(B)(i), if the county voter registration office
25 determines from information provided under this chapter that a voter
26 has moved to an address different from the address where voter is
27 currently registered, the voter registration office shall:

- 28 (1) change the registration record to show the new address; and
- 29 (2) send the voter a notice of the change;

30 **if the information provided under this chapter includes a**
31 **forwarding address.**

- 32 **(b) If the information provided under this chapter:**
 - 33 (1) indicates that a voter has moved to an address different
34 from the address where the voter is currently registered; and
 - 35 (2) does not include a forwarding address;

36 **the county voter registration office shall indicate on the**
37 **registration record that the voter is an inactive voter at that**
38 **address, and shall remove the voter's name from the registration**

1 **rolls under the procedures of this chapter if the voter has not**
2 **voted, appeared to vote, or has failed to correct the voter**
3 **registration record within the period described in section 14(2)(B)**
4 **of this chapter.**

5 SECTION 24. IC 3-7-38.2-13, AS ADDED BY P.L.3-1997,
6 SECTION 104, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: Sec. 13. After the county voter
8 registration office has determined under this chapter that a voter’s
9 residence may have changed, the ~~voter registration office~~ **election**
10 **division** shall send a notice to the voter that sets forth substantially the
11 following statements as provided in 42 U.S.C. 1973gg-6(d)(2):

12 (1) If the voter did not change the voter’s residence or changed
13 the residence but remained in the same county where the voter
14 was listed on the voter registration record, the voter must return
15 the card enclosed with the notice in person to the county voter
16 registration office not later than twenty-nine (29) days before the
17 election or by regular United States mail:

18 (A) with a postmark not later than twenty-nine (29) days
19 before the election; or

20 (B) if a postmark is missing or illegible, to the county voter
21 registration office not later than ~~twenty-four (24)~~
22 **twenty-one (21)** days before the election.

23 (2) If the card is not returned under subdivision (1), the voter
24 may be required to affirm or confirm the voter’s address before
25 the voter is permitted to vote in an election during the period:

26 (A) beginning on the date of the notice; and

27 (B) ending on the day after the date of the second general
28 election scheduled to occur after the date of the notice.

29 (3) If the voter does not vote in an election described in
30 subdivision (2), the voter’s name will be removed from the voter
31 registration list.

32 (4) If the voter changed residence to a place outside the county
33 in which the voter is included on the voter registration list,
34 information concerning how the voter can continue to be eligible
35 to vote in the county where the voter currently resides.

36 SECTION 25. IC 3-7-38.2-15, AS ADDED BY P.L.3-1997,
37 SECTION 104, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE UPON PASSAGE]: Sec. 15. At the expiration of the

1 period ending thirty (30) days after **the second general election**
 2 **following** the date on which notices are mailed to a voter described in
 3 section 14(2) of this chapter, the county voter registration office shall
 4 cancel the registration of a voter who has not responded to the notice
 5 sent under section 13 of this chapter.

6 SECTION 26. IC 3-7-38.2-17, AS ADDED BY P.L.3-1997,
 7 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: Sec. 17. The mailing sent under
 9 section 16 of this chapter must inquire whether the voter still resides at
 10 the residence address indicated on the person's voter registration. If the
 11 postcard is returned as undeliverable and the voter does not vote in
 12 either of the two (2) general elections following the mailing of the
 13 postcard, the county voter registration office shall remove the voter's
 14 name from the list of registered voters **at the expiration of the period**
 15 **ending thirty (30) days after the second general election following**
 16 **the date on which notices are mailed to a voter under section 16 of**
 17 **this chapter.**

18 SECTION 27. IC 3-7-45-6 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 6. (a) **The election division (or a contractor**
 21 **acting on behalf of the election division under IC 3-7-38.1) may**
 22 **obtain a list of Indiana residents identified as deceased by the**
 23 **federal Social Security Administration.**

24 (b) **The election division (or the contractor acting on behalf of**
 25 **the election division under IC 3-7-38.1) shall provide each county**
 26 **voter registration office with a report identifying the deceased**
 27 **individuals who are shown as residing in the county according to**
 28 **the statewide voter file prepared under IC 3-7-38.1.**

29 (c) **Except as provided in section 7 of this chapter, the county**
 30 **voter registration office shall cancel the registration of each**
 31 **deceased person listed in the report provided under subsection (b).**

32 SECTION 28. IC 3-7-45-7 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 7. (a) **If a county voter registration office**
 35 **determines that:**

- 36 (1) **a voter has been identified as deceased in a list or report**
 37 **described by this chapter; and**
 38 (2) **this identification is in error;**

1 the voter registration office may decline to cancel the registration
2 and shall note the apparent error on the voter registration record.

3 (b) If a county voter registration office determines that a
4 registration has been previously canceled in error due to a report
5 that the voter is deceased, the voter registration office shall
6 reinstate the registration by:

7 (1) correcting the registration record before a certified list of
8 voters is prepared under IC 3-7-29-1; or

9 (2) issuing a certificate of error under IC 3-7-48.

10 SECTION 29. IC 3-8-1-1, AS AMENDED BY P.L.3-1997,
11 SECTION 110, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not
13 apply to a candidate for any of the following offices:

14 (1) Judge of a city court. in a city located in a county having a
15 population of:

16 (A) more than four hundred thousand (400,000) but less
17 than seven hundred thousand (700,000); or

18 (B) more than two hundred thousand (200,000) but less
19 than three hundred thousand (300,000);

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

21 ~~(3) (2) Judge of a town court.~~

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

23 (1) a state office;

24 (2) a legislative office;

25 (3) a local office; or

26 (4) a school board office;

27 unless the person is registered to vote in the election district the person
28 seeks to represent not later than the deadline for filing the declaration
29 or petition of candidacy or certificate of nomination.

30 (c) If a candidate filing error is made by the election division or a
31 circuit court clerk, the error does not invalidate the filing.

32 SECTION 30. IC 3-8-1-1.5, AS AMENDED BY P.L.3-1997,
33 SECTION 111, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 1998] : Sec. 1.5. (a) This section applies to a
35 candidate for any of the following offices:

36 (1) Judge of a city court in a city located in a county having a
37 population of

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

1 ~~than seven hundred thousand (700,000); or~~
 2 ~~(B)~~ more than two hundred thousand (200,000) but less
 3 than three hundred thousand (300,000).
 4 ~~(2) Judge of a city court in a third class city.~~
 5 ~~(3)~~ (2) Judge of a town court.

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

10 SECTION 31. IC 3-8-1-2, AS AMENDED BY P.L.3-1997,
 11 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission, ~~or a~~
 13 county election board, **or a town election board** shall act in
 14 accordance with this section if a candidate ~~in accordance with this~~
 15 ~~section~~ (or a person acting on behalf of a candidate in accordance with
 16 state law) has filed any of the following:

- 17 (1) A declaration of candidacy under IC 3-8-2 **or IC 3-8-5.**
- 18 (2) A request for ballot placement in a presidential primary
 19 under IC 3-8-3.
- 20 (3) A petition of nomination or candidate's consent to
 21 nomination under IC 3-8-6.
- 22 (4) A certificate of nomination under **IC 3-8-5, IC 3-8-7,**
 23 **IC 3-10-2-15, or IC 3-10-6-12.**
- 24 (5) A certificate of candidate selection under IC 3-13-1 or
 25 IC 3-13-2.
- 26 **(6) A declaration of intent to be a write-in candidate under**
 27 **IC 3-8-2-2.5.**

28 (b) The commission has jurisdiction to act under this section with
 29 regard to any filing described in subsection (a) that was made with the
 30 election division. **Except for a filing under the jurisdiction of a town**
 31 **election board,** a county election board has jurisdiction to act under
 32 this section with regard to any filing described in subsection (a) that
 33 was made with the county election board, county voter registration
 34 office, or the circuit court clerk. **A town election board has**
 35 **jurisdiction to act under this section with regard to any filing that**
 36 **was made with the county election board, the county voter**
 37 **registration office, or the circuit court clerk for nomination or**
 38 **election to a town office.**

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

- 5 (1) questioning the eligibility of a candidate to seek the office;
- 6 and
- 7 (2) setting forth the facts known to the voter concerning this
- 8 question.

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

15 (e) The commission or ~~county~~ election board shall deny a filing if
16 the commission or ~~county~~ election board determines that the candidate
17 has not complied with the applicable requirements for the candidate set
18 forth in the Constitution of the United States, the Constitution of the
19 State of Indiana, or this title.

20 SECTION 32. IC 3-8-1-5.5, AS AMENDED BY P.L.3-1997,
21 SECTION 115, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) Except as provided in
23 IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a ticket, a
24 person who:

- 25 (1) is defeated in a primary election; or
- 26 (2) appears as a candidate for nomination at a state convention
- 27 **and is defeated; or**
- 28 (3) files a declaration of candidacy for nomination by a **county,**
- 29 **city, or** town convention and is defeated;

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

- 32 (b) For the purposes of subsection (a):
- 33 (1) a candidate for an at-large seat on a fiscal body is considered
- 34 a candidate for the same office as a candidate for a district seat
- 35 on a fiscal body; and
- 36 (2) a candidate for United States representative from a district in
- 37 Indiana is considered a candidate for the same office as a
- 38 candidate for any other congressional district in Indiana.

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

3 SECTION 33. IC 3-8-1-28.5, AS AMENDED BY P.L.12-1997,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 1998]: Sec. 28.5. (a) This section does not apply to a
6 candidate for the office of judge of a city court in a city located in a
7 county having a population of more than two hundred thousand
8 (200,000) but less than three hundred thousand (300,000).

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

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

17 SECTION 34. IC 3-8-2-9 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
19 Sec. 9. (a) A petition required by section 8 of this chapter must request
20 that the name of the candidate be placed on the ballot at the primary
21 election. ~~In order for the secretary of state to consider a petition valid,~~
22 ~~the circuit court clerk or board of~~

23 (b) **The county voter** registration **office** in the county where a
24 petitioner is registered must certify ~~that whether~~ each petitioner is a
25 voter of the county. The certification must accompany and be part of
26 the petition.

27 (c) If a county is part of more than one (1) congressional district,
28 the certificate must indicate the number of petitioners from that county
29 who reside in each congressional district.

30 SECTION 35. IC 3-8-2-19, AS AMENDED BY P.L.3-1997,
31 SECTION 130, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Upon receipt of the
33 certified list under section 17 of this chapter, a county election board
34 shall immediately compile under the proper political party designation
35 the following:

- 36 (1) The title of each office.
37 (2) The name of each individual who has filed a ~~written~~
38 to be placed on the presidential primary ballot.

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

1 **same manner as a candidate for nomination by a major political**
 2 **party under section 10.5 of this chapter. If a convention would be**
 3 **required for the political party under section 10 of this chapter,** the
 4 political party shall conduct a convention to nominate candidates for
 5 town office not later than the date for conducting a major party town
 6 convention under section 10 of this chapter.

7 (c) The chairman and secretary of the town convention shall
 8 execute, acknowledge, and file a certificate setting forth the nominees
 9 of the convention in accordance with section 13 of this chapter.

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

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

19 SECTION 37. IC 3-8-7-20 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) If a person
 21 has been nominated as a candidate for the same office by:

- 22 (1) **both** convention and petition;
- 23 (2) **both primary election and petition;**
- 24 (3) **both primary election and convention;**
- 25 (4) **more than one (1) petition; or**
- 26 (5) **more than one (1) convention;**

27 the person's name may be placed on the ballot only once.

28 (b) **This subsection applies only to a person nominated by both**
 29 **convention and petition.** The person's name shall be placed on the list
 30 of candidates nominated by convention, and the place occupied by the
 31 person's name in the petition must be left blank. However, if the
 32 candidate files a written statement:

- 33 (1) acknowledged before a person authorized to take
 34 acknowledgments;
- 35 (2) in the office where a petition of nomination for the office
 36 must be filed;
- 37 (3) no later than noon of the last day for filing a **petition of**
 38 **nomination under IC 3-8-6-10(c);** and

1 (4) requesting that the person's name be printed as nominated by
2 petition;

3 the person's name must be so printed and omitted from the list
4 nominated by convention.

5 **(c) This subsection applies only to a person nominated by both**
6 **primary election and petition. The person's name must be placed**
7 **on the list of candidates nominated by primary election, and the**
8 **place occupied by the person's name in the petition must be left**
9 **blank. However, if the candidate files a written statement:**

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

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

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

16 (4) **requesting that the person's name be printed as**
17 **nominated by petition;**

18 **the person's name must be so printed and omitted from the list**
19 **nominated by primary election.**

20 **(d) This subsection applies only to a person nominated by both**
21 **primary election and convention. The person's name must be**
22 **placed on the list of candidates nominated by primary election, and**
23 **the place occupied by the person's name in the certificate of**
24 **nomination of the convention must be left blank. However, if the**
25 **candidate files a written statement:**

26 (1) **acknowledged before a person who is authorized to take**
27 **acknowledgments;**

28 (2) **in the office where a certificate of nomination for the**
29 **office must be filed;**

30 (3) **not later than noon the last day for filing a certificate of**
31 **nomination; and**

32 (4) **requesting that the person's name be printed as**
33 **nominated by convention;**

34 **the person's name must be so printed and omitted from the list**
35 **nominated by primary election.**

36 **(e) This subsection applies only to a person nominated by more**
37 **than one (1) petition. The person's name must be placed on the list**
38 **of candidates nominated by petition for the first petition of**

1 nomination certified under IC 3-8-6 and filed with the election
 2 division or county election board under IC 3-8-6-10(c), and the
 3 place occupied by the person's name in a subsequent petition must
 4 be left blank. However, if the candidate files a written statement:

5 (1) acknowledged before a person who is authorized to take
 6 acknowledgments;

7 (2) in the office where a petition of nomination for the office
 8 must be filed;

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

11 (4) requesting that the person's name be printed as
 12 nominated by a subsequent petition;

13 the person's name must be placed on the list of candidates
 14 nominated by the subsequent petition.

15 (f) This subsection applies to a person nominated by more than
 16 one (1) convention. The person's name must be placed on the list of
 17 candidates nominated by convention for the first certificate of
 18 nomination filed with the public official with whom the certificate
 19 is required to be filed, and the place occupied by the person's name
 20 in a subsequent certificate of nomination of the convention must be
 21 left blank. However, if the candidate files a written statement:

22 (1) acknowledged before a person who is authorized to take
 23 acknowledgments;

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

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

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

30 the person's name must be printed as nominated by the subsequent
 31 convention.

32 (g) If an individual is nominated as a candidate under
 33 IC 3-13-1 to fill a candidate vacancy, the individual is considered
 34 for purposes of this section to have been nominated in the same
 35 manner as the candidate whom the individual succeeded or in the
 36 same manner as a candidate would have been nominated if no
 37 nomination is made. If an individual is nominated as a candidate
 38 under IC 3-13-2 to fill a candidate vacancy, the individual may not

1 **be placed on the ballot as the candidate of any other political party.**

2 SECTION 38. IC 3-8-7-21, AS AMENDED BY P.L.3-1997,
3 SECTION 161, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) If a person has been
5 nominated by two (2) or more political parties, or as an independent
6 candidate and as the nominee of at least one (1) political party, the
7 person must elect which of the nominations the person will accept.

8 (b) The election must be in writing, signed, acknowledged before
9 an officer authorized to take acknowledgments, and filed in the office
10 where a declaration of candidacy must be filed for the office under
11 IC 3-8-2 or where a certificate of nomination by a ~~state~~ convention
12 must be filed under this chapter by noon August 1 before the election.

13 SECTION 39. IC 3-8-7-22, AS AMENDED BY P.L.3-1997,
14 SECTION 162, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) **This section applies** if
16 a person nominated by two (2) or more political parties or as an
17 independent candidate and as the nominee of at least one (1) political
18 party does not make and file an election as required by section 21 of
19 this chapter.

20 (b) The election division or circuit court clerk shall make the
21 election for the person.

22 (c) **The election division or clerk shall give preference** ~~shall be~~
23 ~~given~~ to the nomination made by **primary election and secondly to**
24 **the nomination given by convention. If the candidate is nominated**
25 **by more than one (1) convention or more than one (1) petition and**
26 **the candidate does not make the election, the election division or**
27 **clerk shall give preference to the first certificate of nomination for**
28 **a convention given to the candidate under IC 3-8-5-13 or**
29 **IC 3-8-7-8 or first petition of nomination given to the candidate**
30 **under IC 3-8-6-10.**

31 SECTION 40. IC 3-8-7-24, AS AMENDED BY P.L.3-1997,
32 SECTION 164, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: Sec. 24. The election division and
34 each circuit court clerk shall preserve ~~in their offices~~ all certificates and
35 petitions of nomination filed under this article for the period required
36 under IC 3-10-1-31.

37 SECTION 41. IC 3-9-1-4, AS AMENDED BY P.L.3-1997,
38 SECTION 171, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE UPON PASSAGE]: Sec. 4. A committee must include
2 in its statement of organization the following:

3 (1) The name and address of the committee.

4 (2) The purpose for which the committee is formed, **unless the**
5 **committee is a candidate's committee that identifies a**
6 **specific office sought by the candidate.**

7 (3) The name and address of the chairman and treasurer.

8 (4) If applicable, the name, address, office sought, and political
9 party affiliation or independent status of each candidate whom
10 the committee is supporting.

11 (5) If the committee is **a legislative caucus committee, political**
12 **action committee, or regular party committee, and is**
13 supporting the entire ticket of a political party, the name of the
14 party.

15 (6) If the committee is **a political action committee** supporting
16 or opposing a public question, a brief statement of the question
17 supported or opposed.

18 (7) A listing of all banks, safety deposit boxes, and other
19 depositories used.

20 (8) Other information prescribed by the commission under
21 IC 3-6-4.1-14(a)(3).

22 SECTION 42. IC 3-9-2-13, AS ADDED BY P.L.3-1997,
23 SECTION 181, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE UPON PASSAGE]: Sec. 13. An individual may not
25 ~~make~~ **solicit** or receive a contribution in violation of the following
26 statutes:

27 (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).

28 (2) IC 4-23-7.1-38 (Indiana State Library).

29 (3) IC 4-23-7.2-17 (Indiana Historical Bureau).

30 (4) IC 8-23-2-3 (Indiana Department of Transportation).

31 (5) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural
32 Resources).

33 SECTION 43. IC 3-9-3-2.5, AS ADDED BY P.L.3-1997,
34 SECTION 183, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section does not
36 apply to any of the following:

37 (1) A communication relating to an election to a federal office.

38 (2) A communication relating to the outcome of a public

- 1 question.
- 2 (3) A communication in a medium regulated by federal law.
- 3 **(4) Bumper stickers, pins, buttons, pens, and similar small**
- 4 **items upon which the disclaimer required by this section**
- 5 **cannot be conveniently printed.**
- 6 **(5) Skywriting, water towers, wearing apparel, or other**
- 7 **means of displaying an advertisement of such a nature that**
- 8 **the inclusion of a disclaimer would be impracticable.**
- 9 **(6) Checks, receipts, and similar items of minimal value that**
- 10 **do not contain a political message and are used for purely**
- 11 **administrative purposes.**
- 12 **(7) A communication by a political action committee**
- 13 **organized and controlled by a corporation soliciting**
- 14 **contributions to the political action committee by the**
- 15 **stockholders, executives, or employees of the corporation and**
- 16 **the families of those individuals.**
- 17 **(8) A communication by a political action committee**
- 18 **organized and controlled by a labor organization soliciting**
- 19 **contributions to the political action committee by the**
- 20 **members or executive personnel of the labor organization**
- 21 **and the families of those individuals.**
- 22 **(9) A direct mailing of one hundred (100) or less**
- 23 **substantially similar pieces of mail.**
- 24 (b) This section applies whenever a person:
- 25 (1) makes an expenditure for the purpose of financing
- 26 communications expressly advocating the election or defeat of
- 27 a clearly identified candidate; or
- 28 (2) solicits a contribution;
- 29 through a newspaper, a magazine, an outdoor advertising facility, **a**
- 30 **poster, a yard sign,** a direct mailing, or any other type of general
- 31 public political advertising.
- 32 (c) For purposes of this section, a candidate is clearly identified if
- 33 any of the following apply:
- 34 (1) The name of the candidate involved appears.
- 35 (2) A photograph or drawing of the candidate appears.
- 36 (3) The identity of the candidate is apparent by unambiguous
- 37 reference.
- 38 (d) A communication described in subsection (b) must **contain a**

1 disclaimer that appears and is presented in a clear and conspicuous
 2 manner to give the reader or observer adequate notice of the
 3 identity of persons who paid for and, when required, who
 4 authorized the communication. A disclaimer does not comply with
 5 this section if the disclaimer is difficult to read or if the placement
 6 of the disclaimer is easily overlooked.

7 (e) A communication that would require a disclaimer if
 8 distributed separately must contain the required disclaimer if
 9 included in a package of materials.

10 (f) This subsection does not apply to a communication, such as
 11 a billboard, that contains only a front face. The disclaimer need not
 12 appear on the front or cover page of the communication if the
 13 disclaimer appears within the communication.

14 (g) Except as provided in subsection (h), a communication
 15 described in subsection (b) must satisfy one (1) of the following:

16 (1) If the communication is paid for and authorized by:

17 (A) a candidate;

18 (B) an authorized political committee of a candidate; or

19 (C) the committee's agents;

20 the communication must clearly state that the communication
 21 has been paid for by the authorized political committee.

22 (2) If the communication is paid for by other persons but
 23 authorized by:

24 (A) a candidate;

25 (B) an authorized political committee of a candidate; or

26 (C) the committee's agents;

27 the communication must clearly state that the communication is
 28 paid for by the other persons and authorized by the authorized
 29 political committee.

30 (3) If the communication is not authorized by:

31 (A) a candidate;

32 (B) an authorized political committee of a candidate; or

33 (C) the committee's agents;

34 the communication must clearly state the name of the person
 35 who paid for the communication and state that the
 36 communication is not authorized by any candidate or candidate's
 37 committee.

38 (4) If the communication is a solicitation directed to the

1 **general public on behalf of a political committee that is not**
 2 **a candidate's committee, the solicitation must clearly state**
 3 **the full name of the person who paid for the communication.**

4 **(h) A communication by a regular party committee consisting**
 5 **of:**

6 **(1) a printed slate card, a sample ballot, or other printed**
 7 **listing of three (3) or more candidates for public office at an**
 8 **election;**

9 **(2) campaign materials such as handbills, brochures, posters,**
 10 **party tabloids or newsletters, and yard signs distributed by**
 11 **volunteers and used by the regular party committee in**
 12 **connection with volunteer activities on behalf of any nominee**
 13 **of the party; or**

14 **(3) materials distributed by volunteers as part of the regular**
 15 **party's voter registration or get-out-the-vote efforts;**

16 **must clearly state the name of the person who paid for the**
 17 **communication but is not required to state that the communication**
 18 **is authorized by any candidate or committee.**

19 SECTION 44. IC 3-9-4-4, AS AMENDED BY P.L.3-1997,
 20 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The election division
 22 shall develop a filing, coding, and cross-indexing system consistent
 23 with the purposes of this article. The election division and each county
 24 election board shall use the filing, coding, and cross-indexing system.

25 The coding system must provide:

26 (1) codes to account for various campaign expenditure items;
 27 and

28 (2) a clear explanation of the kinds of expenditure items that
 29 must be accounted for under each code.

30 (b) The election division shall develop and use a computer system
 31 to store campaign finance reports required to be filed under IC 3-9-5-6,
 32 ~~and~~ IC 3-9-5-10, **and IC 3-9-5-20**. The computer system must enable
 33 the election division to do the following:

34 (1) Identify all candidates or committees that received
 35 contributions from a contributor over the past three (3) years.

36 (2) Identify all contributors to a candidate or committee over the
 37 past three (3) years.

38 (3) Provide for electronic submission, retrieval, storage, and

1 disclosure of campaign finance reports of candidates for the
2 following:

3 (A) Legislative office.

4 (B) State office.

5 The election division shall provide training at no cost to
6 candidates to enable candidates described in this subdivision to
7 file campaign finance reports electronically.

8 **(c) This subsection applies to an electronic submission under**
9 **subsection (b)(3). An electronic submission must be in a format**
10 **previously approved by the commission that permits the election**
11 **division to print out a hard copy of the report upon the receipt of**
12 **the electronic submission from the candidate. Filing of a report**
13 **occurs under IC 3-5-2-24.5 when the hard copy is printed out and**
14 **the election division records the date and time of the printout on**
15 **the hard copy. If a discrepancy exists between the text of the**
16 **electronic submission and the printed report, the text of the printed**
17 **report prevails until an amendment is filed under this article to**
18 **correct the discrepancy.**

19 **(d) The election division is not required to accept an electronic**
20 **submission unless the submission complies with subsection (b)(3).**
21 **Upon receiving approval from the commission, the election division**
22 **may accept an electronic submission from candidates, committees,**
23 **or persons described in subsection (b)(3).**

24 ~~(e)~~ (e) The election division shall make campaign finance reports
25 stored on the computer system under subsection (b) available to the
26 general public through an on-line service.

27 SECTION 45. IC 3-9-4-14, AS AMENDED BY P.L.3-1997,
28 SECTION 195, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The election division
30 and each county election board shall do all of the following:

31 (1) Ascertain whether candidates, committees, or other persons
32 have:

33 (A) failed to file statements of organization or reports; or
34 have

35 (B) filed defective statements of organization or reports.

36 (2) Give the following notices:

37 (A) To delinquents to file a statement of organization or a
38 report immediately upon receipt of the notice. A

1 delinquency notice must be given not later than thirty (30)
 2 days after ~~each election~~. **the date the report was required**
 3 **to be filed.** The ~~commission~~ **election division** or a county
 4 election board may, but is not required to, give delinquency
 5 notices at other times.

6 (B) To persons filing defective reports to make a
 7 supplemental statement or report correcting all defects not
 8 later than noon five (5) calendar days after receipt of the
 9 notice.

10 (3) Make available for public inspection a list of delinquents and
 11 persons who have failed to file the required supplemental
 12 statement or report. The election division and each county
 13 election board shall post a list of delinquents in a public place at
 14 or near the entrance of the commission's or board's respective
 15 offices.

16 (b) The election division shall mail:

17 (1) to each candidate ~~and treasurer of the candidate's committee;~~
 18 **required to file a campaign finance report with the election**
 19 **division;** and

20 (2) twenty-one (21) days before the campaign finance reports are
 21 due;

22 the proper campaign finance report forms and a notice that states the
 23 date the campaign finance reports are due. The election division is
 24 required to mail notices and forms only to candidates for state offices
 25 and legislative offices. A county election board may, but is not required
 26 to, implement this subsection for candidates for local offices.

27 (c) Notwithstanding any notice given to a delinquent under
 28 subsection (a) or (b), the delinquent remains liable for a civil penalty
 29 in the full amount permitted under this chapter for failing to file a
 30 campaign finance report or statement of organization not later than the
 31 date and time prescribed under this article.

32 SECTION 46. IC 3-9-4-18, AS AMENDED BY P.L.3-1997,
 33 SECTION 198, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section,
 35 "delinquent **or defective report**" refers to a campaign finance report **or**
 36 **statement of organization:**

37 (1) that was required to be filed under IC 3-9-5 but was not filed
 38 in the manner required under IC 3-9-5; and

- 1 (2) for which a person was assessed a civil penalty under section
2 16 or 17 of this chapter.
- 3 (b) As used in this section, "election board" refers to the following:
4 (1) The commission if a civil penalty was assessed under section
5 16 of this chapter.
6 (2) The county election board if a civil penalty was assessed
7 under section 17 of this chapter.
- 8 (c) As used in this section, "person" refers to a person who:
9 (1) has been assessed a civil penalty under section 16 or 17 of
10 this chapter; and
11 (2) has filed a declaration of candidacy, a petition of nomination,
12 or a declaration of intent to be a write-in candidate in a
13 subsequent election or for whom a certificate of nomination has
14 been filed.
- 15 (d) A person who does both of the following is relieved from
16 further civil liability under this chapter for the delinquent **or defective**
17 report:
18 (1) Files the delinquent report **or amends the defective report**
19 from the previous candidacy:
20 (A) before filing a report required under IC 3-9-5-6; or
21 (B) at the same time the person files the report required
22 under IC 3-9-5-6;
23 for a subsequent candidacy.
24 (2) Pays all civil penalties assessed under section 16 or 17 of this
25 chapter for the delinquent report.
- 26 (e) This subsection applies to a person who:
27 (1) is assessed a civil penalty under this chapter; and
28 (2) is elected to office in the subsequent election.
- 29 The election board may order the auditor of state or the fiscal officer of
30 the political subdivision responsible for issuing the person's payment
31 for serving in office to withhold from the person's paycheck the amount
32 of the civil penalty assessed under this chapter. If the amount of the
33 paycheck is less than the amount of the civil penalty, the auditor **or**
34 **fiscal officer** shall continue withholding money from the person's
35 paycheck until an amount equal to the amount of the civil penalty has
36 been withheld.
- 37 (f) The auditor of state or fiscal officer shall deposit an amount
38 **paid, recovered, or** withheld under this section in the election board's

1 campaign finance enforcement account.

2 (g) Proceedings of the election board under this section are subject
3 to IC 4-21.5.

4 SECTION 47. IC 3-9-5-1, AS AMENDED BY P.L.3-1997,
5 SECTION 200, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in
7 subsection (b), this chapter applies to candidates in all elections and
8 caucuses and to the following types of committees:

- 9 (1) Candidate's committees.
10 (2) Regular party committees.
11 (3) Political action committees.
12 (4) A legislative caucus committee.

13 (b) This chapter does not apply to the following:

- 14 (1) Elections to local ~~or school board~~ offices for which the
15 compensation is less than five thousand dollars (\$5,000) per
16 year.
17 (2) Candidates for school board office except a candidate who is
18 required to file a written instrument designating a principal
19 committee under IC 3-9-1-5.
20 (3) Elections for precinct committeeman or delegate to a state
21 convention.
22 (4) An auxiliary party organization.

23 SECTION 48. IC 3-9-5-5, AS AMENDED BY P.L.2-1996,
24 SECTION 114, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE UPON PASSAGE]: Sec. 5. The treasurer of each
26 committee shall file reports of receipts and expenditures on forms
27 prescribed or approved by the commission. **Except as provided in**
28 **section 20 of this chapter, a report may not be filed by facsimile**
29 **(fax) transmission.**

30 SECTION 49. IC 3-9-5-6, AS AMENDED BY P.L.3-1997,
31 SECTION 204, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 6. (a) **This**
33 **subsection applies to a candidate's committee.** Except as otherwise
34 provided in this chapter, each committee, ~~its the committee's~~ treasurer,
35 and each candidate shall complete a report required by this chapter
36 current and dated as of the following dates:

- 37 (1) Twenty-five (25) days before the nomination date.
38 (2) Twenty-five (25) days before the general, ~~or~~ municipal, ~~or~~

- 1 **special election.**
- 2 (3) The annual report filed and dated as required by section 10
- 3 of this chapter.
- 4 (b) **In the case of a special election, each committee, each**
- 5 **committee's treasurer, and each candidate shall complete a report**
- 6 **required by this chapter current as of twenty-five (25) days before the**
- 7 **special election. This subsection applies to a regular party**
- 8 **committee. Except as otherwise provided in this chapter, each**
- 9 **committee and the committee's treasurer shall complete a report**
- 10 **required by this chapter current and dated as of the following**
- 11 **dates:**
- 12 (1) **Twenty-five (25) days before a primary election.**
- 13 (2) **Twenty-five (25) days before a general, municipal, or**
- 14 **special election.**
- 15 (3) **The date of the annual report filed and dated as required**
- 16 **under section 10 of this chapter.**
- 17 (c) **This subsection applies to a legislative caucus committee.**
- 18 **Except as otherwise provided in this chapter, each committee and**
- 19 **the committee's treasurer shall complete a report required under**
- 20 **this chapter current and dated as of the following dates:**
- 21 (1) **Twenty-five (25) days before a primary election**
- 22 **conducted in an even-numbered year.**
- 23 (2) **Twenty-five (25) days before a general election conducted**
- 24 **in an even-numbered year.**
- 25 (3) **The date of the annual report filed and dated as required**
- 26 **under section 10 of this chapter.**
- 27 **A legislative caucus committee is not required to file any report**
- 28 **concerning the committee's activity during an odd-numbered year**
- 29 **other than the annual report filed and dated under section 10 of**
- 30 **this chapter.**
- 31 SECTION 50. IC 3-9-5-7, AS AMENDED BY P.L.3-1997,
- 32 SECTION 205, IS AMENDED TO READ AS FOLLOWS
- 33 [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 7. (a)
- 34 **Persons** **A person** may deliver reports to the appropriate office as
- 35 follows:
- 36 (1) By hand.
- 37 (2) By mail.
- 38 (3) By electronic mail, if the appropriate office has the capacity

1 to:

- 2 (A) receive electronic mail; and
 3 (B) **print out a hard copy of the report immediately**
 4 **upon the receipt of the electronic mail by the office.**

5 (b) Reports must be filed as follows:

6 (1) Hand delivered reports **or reports that are mailed** must be
 7 **received by filed with** the appropriate office during regular
 8 office hours not later than noon seven (7) days after the date of
 9 the report.

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

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

15 (c) **This subsection applies to a report delivered by electronic**
 16 **mail. Filing of a report occurs under IC 3-5-2-24.5 when the hard**
 17 **copy is printed out and the office records the date and time of the**
 18 **printout on the report. If a discrepancy exists between the text of**
 19 **the electronic mail and the printed report, the text of the printed**
 20 **report prevails until an amendment is filed under this article to**
 21 **correct the discrepancy.**

22 (d) **An office is not required to accept a report or statement**
 23 **required under this article by facsimile transmission. Upon**
 24 **approval by the commission or a county election board the election**
 25 **division or the county election board may accept the facsimile**
 26 **transmission of a report or statement.**

27 SECTION 51. IC 3-9-5-8, AS AMENDED BY P.L.3-1997,
 28 SECTION 206, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section applies to**
 30 **a candidate for nomination to an office in a state convention who ~~(1)~~**
 31 **becomes a candidate less than twenty-five (25) days before the**
 32 **nomination date for a candidate chosen at a convention. and**

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

38 ~~(b)~~ (c) **The reporting period for a the first report required under**

1 **for a candidate** ~~this section~~ begins on the date that the individual
 2 became a candidate and ends on the day following the adjournment of
 3 the state convention.

4 SECTION 52. IC 3-9-5-8.2 IS ADDED TO THE INDIANA CODE
 5 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 6 **UPON PASSAGE]: Sec. 8.2. (a) This section applies to a candidate**
 7 **who is nominated by petition under IC 3-8-6.**

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

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

13 SECTION 53. IC 3-9-5-8.4 IS ADDED TO THE INDIANA CODE
 14 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 15 **UPON PASSAGE]: Sec. 8.4. (a) This section applies to a candidate**
 16 **who files a declaration of intent to be a write-in candidate under**
 17 **IC 3-8-2.**

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

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

23 SECTION 54. IC 3-9-5-8.5, AS ADDED BY P.L.3-1997,
 24 SECTION 207, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This section applies to
 26 a candidate who is selected to fill a vacancy on the ballot under
 27 IC 3-13-1 or IC 3-13-2.

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

30 (c) **Except as provided in subsection (d), the reporting period for**
 31 **the candidate's committee first report required for a candidate**
 32 **begins on the date that the individual became a candidate and ends**
 33 **twenty-five (25) fourteen (14) days before after the election:**
 34 **nomination date.**

35 (d) **This subsection applies to a candidate selected under**
 36 **IC 3-13-2 to fill a vacancy on the ballot. A candidate is not required**
 37 **to prepare or file a report before or after the nomination date. The**
 38 **period for the first report required for a candidate begins on the**

1 **date that the individual became a candidate and ends December 31**
 2 **following the election.**

3 SECTION 55. IC 3-9-5-14, AS AMENDED BY P.L.253-1997(ss),
 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JANUARY 1, 1998 (RETROACTIVE)]: Sec. 14. (a) As used in this
 6 section, "threshold contribution amount" refers to the following:

7 (1) For contributions made to a candidate's committee, a
 8 legislative caucus committee, or a political action committee,
 9 one hundred dollars (\$100).

10 (2) For contributions made to a regular party committee, two
 11 hundred dollars (\$200).

12 (b) The report of each committee's treasurer must disclose the
 13 following:

14 (1) The amount of cash on hand and the value of any investments
 15 made by the committee at the beginning of the reporting period.

16 (2) The total sum of individual contributions including
 17 transfers-in, accepted by the committee during its reporting
 18 period.

19 (3) The following information regarding each person who has
 20 made one (1) or more contributions within the year, in an
 21 aggregate amount that exceeds the threshold contribution
 22 amount in actual value to or for the committee, including the
 23 purchase of tickets for events such as dinners, luncheons, rallies,
 24 and similar fundraising events:

25 (A) The full name of the person.

26 (B) The full mailing address of the person making the
 27 contribution.

28 (C) The person's occupation, if the person is an individual
 29 who has made contributions **to the committee** of at least
 30 one thousand dollars (\$1,000) during the calendar year.

31 (D) The date and amount of each contribution.

32 (4) The name and address of each committee from which the
 33 reporting committee received, or to which that committee made,
 34 a transfer of funds, together with the amounts and dates of all
 35 transfers.

36 (5) If the reporting committee is a candidate's committee, the
 37 following information about each other committee that has
 38 reported expenditures to the reporting candidate's committee

- 1 under section 15 of this chapter:
- 2 (A) The name and address of the other committee.
- 3 (B) The amount of expenditures reported by the other
4 committee.
- 5 (C) The date of the expenditures reported by the other
6 committee.
- 7 (D) The purpose of the expenditures reported by the other
8 committee.
- 9 (6) Each loan to or from a person within the reporting period
10 together with the following information:
- 11 (A) The full names and mailing addresses of the lender and
12 endorsers, if any.
- 13 (B) The person's occupation, if the person is an individual
14 who has made loans of at least one thousand dollars
15 (\$1,000) **to the committee** during the calendar year.
- 16 (C) The date and amount of the loans.
- 17 (7) The total sum of all receipts of the committee during the
18 reporting period.
- 19 (8) The full name, mailing address, occupation, and principal
20 place of business, if any, of each person other than a committee
21 to whom an expenditure was made by the committee or on behalf
22 of the committee within the year in an aggregate amount that:
- 23 (A) exceeds one hundred dollars (\$100), in the case of a
24 candidate's committee, **legislative caucus committee**, or
25 political action committee; or
- 26 (B) exceeds two hundred dollars (\$200), in the case of a
27 regular party committee.
- 28 (9) The name, address, and office sought by each candidate for
29 whom any expenditure was made or a statement identifying the
30 public question for which any expenditure was made, including
31 the amount, date, and purpose of each expenditure.
- 32 (10) The full name, mailing address, occupation, and principal
33 place of business, if any, of each person to whom an expenditure
34 for personal services, salaries, or reimbursed expenses was made
35 within the year in an aggregate amount that:
- 36 (A) exceeds one hundred dollars (\$100), in the case of a
37 candidate's committee, **legislative caucus committee**, or
38 political action committee; or

1 (B) exceeds two hundred dollars (\$200), in the case of a
2 regular party committee;

3 and that is not otherwise reported, including the amount, date,
4 and purpose of the expenditure.

5 (11) The total sum of expenditures made by the committee
6 during the reporting period.

7 (12) The amount and nature of debts owed by or to the
8 committee, and a continuous reporting of the debts after the
9 election at the times ~~that the board requires~~ **required under this**
10 **article** until the debts are extinguished.

11 SECTION 56. IC 3-9-5-20, AS ADDED BY P.L.3-1997,
12 SECTION 214, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section applies
14 only to a large contribution that satisfies all of the following:

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

17 (2) The contribution is received:

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

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

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

23 (1) A primary election.

24 (2) A general election.

25 (3) A municipal election.

26 (4) A special election.

27 (5) For candidates nominated at a state convention, the state
28 convention.

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

31 (d) The treasurer of a candidate's committee shall file a report of
32 large contributions not later than noon ~~five (5)~~ **four (4)** days before the
33 election. **The report of large contributions may be filed not earlier**
34 **than the deadline for filing the most recent report under**
35 **IC 3-9-5-6(1) or IC 3-9-5-6(2). If the candidate files a report under**
36 **this subsection before the final date for filing, and subsequently**
37 **accepts a large contribution, the candidate must file an amended**
38 **report not later than noon four (4) days before the election. A**

1 **report filed under this section may be filed by facsimile (fax)**
 2 **transmission.**

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

- 5 (1) The name of the person making the contribution.
- 6 (2) The address of the person making the contribution.
- 7 (3) If the person making the contribution is an individual, the
 8 individual's occupation.
- 9 (4) The amount of the contribution.
- 10 (5) The date the contribution was received by the treasurer, the
 11 candidate, or the candidate's committee.

12 (f) If no large contributions were received, the treasurer of the
 13 committee shall report that fact.

14 (g) The commission shall prescribe the form for the report
 15 required by this section.

16 SECTION 57. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS
 17 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
 18 PASSAGE]:

19 **Chapter 8. Independent Expenditures**

20 **Sec. 1. This chapter does not apply to the following:**

- 21 (1) A person who makes an expenditure described by
 22 IC 3-9-5-15(b).
- 23 (2) An individual, a firm, or a partnership that:
 24 (A) makes a contribution to a candidate or a committee;
 25 and
 26 (B) does not make an expenditure.
- 27 (3) A corporation or labor organization that makes:
 28 (A) a contribution to a political committee; or
 29 (B) an expenditure to support or oppose a candidate or
 30 political party.

31 **Sec. 2. Except as provided in section 1 of this chapter:**

- 32 (1) an individual who makes an expenditure to influence an
 33 election within a year; or
- 34 (2) a corporation or labor organization that makes an
 35 expenditure to support or oppose approval of a public
 36 question;

37 **shall file a statement with the election division under IC 3-9-5-2 or**
 38 **IC 3-9-5-3, or with a county election board under IC 3-9-5-4. The**

1 **statement must contain the information required under IC 3-9-5.**

2 **Sec. 3. A statement required under this chapter is due on the**
3 **same date and time that a report is due from a political action**
4 **committee.**

5 SECTION 58. 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 Page 4, between lines 16 and 17, begin a new paragraph and
17 insert:

18 "SECTION 60. IC 3-10-6-4.6 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 1998]: **Sec. 4.6. (a) Notwithstanding section**
21 **2 of this chapter, this section applies to a town with a legislative**
22 **body that adopts an ordinance under IC 36-5-2-4.6.**

23 (b) **Unless a primary election is not required under section 4**
24 **of this chapter, a primary election shall be held in a town under**
25 **this section at both of the following times:**

26 (1) **During a year that municipal elections are held under**
27 **section 5 of this chapter.**

28 (2) **At the time of the primary election held in the year stated**
29 **in an ordinance adopted under IC 36-5-2-4.6(c)(2).**

30 (c) **At a primary election held under subsection (b), a political**
31 **party with a nominee who receives at least ten percent (10%) of the**
32 **votes cast in the state for secretary of state at the most recent**
33 **election for secretary of state shall nominate candidates for the**
34 **following town offices:**

35 (1) **At the time of the primary held in the town under**
36 **subsection (b)(1), the following candidates:**

37 (A) **Three (3) candidates for the town legislative body,**
38 **two (2) elected from districts and one (1) elected at**

1 **large. If the town legislative body adopts an ordinance**
 2 **under IC 36-5-2-4.6(e), all candidates are elected from**
 3 **districts.**

4 **(B) Candidates for all other town offices other than the**
 5 **town legislative body.**

6 **(2) At the time of the primary election held under subsection**
 7 **(b)(2), two (2) candidates for the town legislative body, one**
 8 **(1) elected from a district and one (1) elected at large. If the**
 9 **town legislative body adopts an ordinance under**
 10 **IC 36-5-2-4.6(e), all candidates are elected from districts.**

11 **The primary election is conducted under this chapter.**

12 **(d) Notwithstanding section 5 of this chapter, an election to fill**
 13 **town offices under this section is held as follows:**

14 **(1) During a year municipal elections are held under section**
 15 **5 of this chapter, the following town offices are elected:**

16 **(A) Three (3) members of the town legislative body, two**
 17 **(2) elected from districts and one (1) elected at large. If**
 18 **the town legislative body adopts an ordinance under**
 19 **IC 36-5-2-4.6(e), all members are elected from districts.**

20 **(B) All other town offices other than the town legislative**
 21 **body.**

22 **(2) During a year in which candidates for the town legislative**
 23 **body are nominated under subsection (c)(2), two (2)**
 24 **members of the town legislative body, one (1) elected from a**
 25 **district and one (1) elected at large. If the town legislative**
 26 **body adopts an ordinance under IC 36-5-2-4.6(e), all**
 27 **members are elected from districts.**

28 **The election shall be conducted under this chapter."**

29 Page 4, delete lines 40 through 42, begin a new paragraph and
 30 insert:

31 "SECTION 62. IC 3-11-3-6, AS AMENDED BY P.L.3-1997,
 32 SECTION 268, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Each circuit court clerk
 34 shall pick up ~~The election division shall deliver~~ the state and
 35 presidential paper ballots at a site designated by the election division.

36 (b) Each clerk is entitled to a mileage allowance for the distance
 37 necessarily traveled in going to and returning from the site designated
 38 by the election division. The mileage rate equals the mileage rate paid

1 to state officers and employees: by certified mail, or by another
2 means of delivery that includes a return receipt, to:

3 (1) each circuit court clerk; or

4 (2) in a county subject to IC 3-6-5.2, the director of the board
5 of elections and registration.

6 SECTION 63. IC 3-11-3-29.5, AS AMENDED BY P.L.3-1997,
7 SECTION 272, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: Sec. 29.5. (a) The election division
9 or an election board shall act under subsection (c) **to print new ballots**
10 or have pasters made to cover the name of a candidate who has died or
11 is no longer a candidate under IC 3-13-2-1 if:

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

15 (2) **when a candidate has died**, the election division or election
16 board:

17 (A) receives a certificate of death issued under IC 16-37-3
18 not later than **noon** the seventh day before the election; or

19 (B) by unanimous vote of the entire membership ~~if the~~
20 ~~election division or election board finds~~ that there is good
21 cause to believe that the candidate has died.

22 (b) The election division or election board shall provide the
23 number of opaque pasters the election division or election board
24 determines to be necessary for all ballots to reflect a vacancy to the
25 following:

26 (1) The absentee voter board.

27 (2) The inspector of each precinct in which the candidate is on
28 the ballot.

29 (3) The circuit court clerk.

30 (c) If the election division or election board determines that the
31 use of pasters under this section would be impractical or uneconomical,
32 the election division or board may order the printing of new ballots that
33 omit the name of a candidate described in subsection (a). A ballot
34 printed under this subsection must contain the statement "NO
35 CANDIDATE" or "CANDIDATE DECEASED" or words to that effect
36 at the appropriate position on the ballot.

37 (d) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled
38 after noon five (5) days before the election, the election division or

1 election board is not required to reprint ballots or have pasters with the
 2 name of the successor candidate placed over the name of an individual
 3 who is no longer a candidate but may do so upon the vote of the
 4 commission or election board.

5 SECTION 64. IC 3-11-4-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter who
 7 is eligible to vote by absentee ballot must apply to the county election
 8 board for an official absentee ballot.

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

12 SECTION 65. IC 3-11-4-3, AS AMENDED BY P.L.3-1997,
 13 SECTION 273, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in
 15 ~~subsections (b) and (c)~~ **subsection (b)** and sections 6 and 8 of this
 16 chapter, an application for an absentee ballot must be received by the
 17 circuit court clerk **(or, in a county subject to IC 3-6-5.2, the director**
 18 **of the board of elections and registration)** not earlier than ninety (90)
 19 days before election day nor later than **the following:**

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

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

23 (A) the application is a mailed or hand delivered application
 24 from a confined voter or ~~person voter~~ caring for a confined
 25 person; and

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

28 (3) Midnight on the eighth day before election day if the
 29 application:

30 (A) is a mailed application; or

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

32 from other voters.

33 (b) This subsection applies to an absentee ballot application from
 34 a confined voter or ~~person voter~~ caring for a confined ~~voter person~~
 35 that is **sent by facsimile (fax) transmission**, mailed, or hand delivered
 36 to the circuit court clerk of a county having a consolidated city. An
 37 application subject to this subsection that is **sent by facsimile (fax)**
 38 **transmission or** hand delivered must be received by the circuit court

1 clerk not earlier than ninety (90) days before election day nor later than
 2 10 p.m. on the fifth day before election day. An application subject to
 3 this subsection that is mailed must be received by the circuit court clerk
 4 not earlier than ninety (90) days before election day and not later than
 5 10 p.m. on the eighth day before election day.

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

14 SECTION 66. IC 3-11-4-12, AS AMENDED BY P.L.3-1997,
 15 SECTION 276, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The absentee ballots for:

- 17 (1) President and Vice President of the United States;
- 18 (2) United States Senator;
- 19 (3) all state offices; and
- 20 (4) the ratification or rejection of a public question to be voted
 21 for by the electorate of the entire state or for the retention of a
 22 judge of the Indiana court of appeals;

23 shall be prepared and printed under the direction of the election
 24 division.

25 (b) The election division shall have the ballots printed upon
 26 certification of the political party tickets and independent candidates.

27 (c) Ballots prepared under this section must provide space for the
 28 voter to cast a write-in ballot.

29 (d) The election division shall prepare a special absentee ballot for
 30 ~~the~~ use by:

- 31 (1) absent uniformed services voters; and
- 32 (2) overseas voters;

33 who will be outside of the United States on general election day.

34 (e) The ballot described by subsection (d):

- 35 (1) must indicate each state office to be elected by the voters at
 36 the general election;
- 37 (2) must set forth each public question to be voted for at the
 38 general election by the electorate of the entire state;

- 1 (3) may not state the name of any political party or candidate for
 2 election; ~~and~~
 3 (4) must permit the voter to write in the name of a political party
 4 or a candidate for election to each office; **and**
 5 ~~(f) The special absentee ballot described in subsection (d)~~
 6 **(5)** must include
 7 ~~(1) a form permitting registration under IC 3-7-36; and~~
 8 ~~(2) a notice stating that regular absentee ballots will be mailed~~
 9 ~~to the voter by the county election board as soon as the ballots~~
 10 ~~are available.~~

11 SECTION 67. IC 3-11-4-21, AS AMENDED BY P.L.3-1997,
 12 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 1998]: Sec. 21. (a) On the other side of the
 14 envelope required by section 20 of this chapter shall be printed an
 15 affidavit providing that the voter affirms under penalty of perjury that
 16 the following information is true:

- 17 (1) The name of the precinct and township (or ward and city or
 18 town).
 19 (2) That the voter is:
 20 (A) a resident of; or
 21 (B) entitled under IC 3-10-11 or IC 3-10-12 to vote in;
 22 the precinct.
 23 (3) The voter's complete residence address, including the name
 24 of the city or town and county.
 25 (4) That the voter is entitled to vote in the precinct, the type of
 26 election to be held, and the date of the election.
 27 (5) That:
 28 (A) the voter has personally marked the enclosed ballot or
 29 ballots in secret and has enclosed them in this envelope and
 30 sealed them without exhibiting them to any other person;
 31 **(B) the voter personally marked the enclosed ballot or**
 32 **ballots, enclosed them in this envelope, and sealed them**
 33 **with the assistance of an individual whose name is set**
 34 **forth on the envelope and who affirms under penalty of**
 35 **perjury that the voter was not coerced or improperly**
 36 **influenced by the individual assisting the voter or any**
 37 **other person, in a manner prohibited by state or federal**
 38 **law, to cast the ballot for or against any candidate,**

1 **political party, or public question; or**
 2 (C) as the properly authorized attorney in fact for the
 3 undersigned under IC 30-5-5-14, the attorney in fact affirms
 4 the voter personally marked the enclosed ballot or ballots in
 5 secret and enclosed them in this envelope and sealed them
 6 without exhibiting them to the attorney in fact or to any
 7 other person.

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

9 (b) If the affidavit is signed by an attorney in fact, the name of the
 10 attorney in fact must be indicated. ~~and a copy of the power of attorney~~
 11 ~~attached to the affidavit.~~

12 (c) A guardian or conservator of an individual may not sign an
 13 affidavit for the individual under this section unless the guardian or
 14 conservator also holds a power of attorney authorizing the guardian or
 15 conservator to sign the affidavit.

16 SECTION 68. IC 3-11-7-9 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. If a voter votes a
 18 straight party ticket for more than one (1) political party, a ballot card
 19 voting system must consider the whole ballot void **except for the**
 20 **voter's vote for a school board candidate or on a public question** in
 21 accordance with IC 3-12-1-7(d).

22 SECTION 69. IC 3-11-8-6, AS AMENDED BY P.L.3-1997,
 23 SECTION 298, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If possible, the county
 25 executive shall locate the polls for each precinct in a facility that meets
 26 **the standards for** accessibility ~~guidelines established by the~~
 27 ~~commission for~~ voters with disabilities and elderly voters and ~~in~~
 28 ~~accordance with established under~~ 42 U.S.C. 1973ee through
 29 1973ee-6. If the county executive determines that no accessible facility
 30 is available in a precinct and that no facility can be made temporarily
 31 accessible, the county executive shall designate at least one (1) special
 32 voting poll in the county at least twenty-nine (29) days before election
 33 day. A special voting poll must:

34 (1) be accessible to voters with disabilities and elderly voters
 35 under federal law; and

36 (2) operate under all other requirements for precincts and polls
 37 under this title.

38 (b) The county executive shall:

1 (1) provide public notice; and
 2 (2) file a report;
 3 listing each inaccessible precinct and each special voting poll in the
 4 county with the election division at least twenty-nine (29) days before
 5 election day. The list shall be available to any person upon request.

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

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

- 11 (1) whose regular precinct poll is inaccessible to voters with
 12 disabilities or elderly voters; and
- 13 (2) who submits an application on a form prescribed by the
 14 commission at least ten (10) days before election day.

15 (e) Applications may be submitted under subsection (d)(2):

- 16 (1) in person at the principal office of the county election board;
 17 or
- 18 (2) by mail.

19 (f) The precinct election board at a special voting poll shall do the
 20 following:

- 21 (1) Provide each voter with disabilities or elderly voter assigned
 22 under subsection (d) a ballot that includes all offices and public
 23 questions to be voted for in the voter's precinct of residence.
- 24 (2) Prepare a separate poll list for the voters with disabilities and
 25 elderly voters assigned to the special voting poll.

26 (g) Votes cast at a special voting poll shall be counted and
 27 reported in the same manner as votes cast at a precinct under this title.

28 SECTION 70. IC 3-11-10-17, AS AMENDED BY P.L.3-1997,
 29 SECTION 304, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 1998]: Sec. 17. (a) If the inspector finds under
 31 section 15 of this chapter that:

- 32 (1) the affidavit is insufficient or the ballot has not been
 33 endorsed with the initials of:
 - 34 (A) the two (2) members of the absentee voter board in the
 35 office of the circuit court clerk under IC 3-11-4-19 or
 36 ~~IC 3-11-10-26~~; or **section 26 of this chapter**;
 - 37 (B) **the two (2) members of the absentee voter board**
 38 **visiting the voter under section 25(b) of the chapter**; or

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

4 (2) a copy of the voter's signature has been furnished to the
 5 precinct election board and that the signatures do not correspond
 6 or there is no signature;

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

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

9 (5) the absentee voter has not registered;

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

11 (7) the ballot envelope contains more than one (1) ballot of any
 12 kind **for the same office or public question;**

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

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

18 then the ballots may not be accepted or counted.

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

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

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

26 **(A) in the records of the county voter registration office;**

27 **or**

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

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

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

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

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

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

38 SECTION 71. IC 3-11-10-24, AS AMENDED BY P.L.3-1997,

1 SECTION 305, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Except as provided in
 3 subsection (b), each voter entitled to vote by absentee ballot is entitled
 4 to vote by mail.

5 (b) A voter with disabilities who:
 6 (1) is unable to make a voting mark on the ballot or sign the
 7 absentee ballot secrecy envelope; **and**
 8 (2) **requests that the absentee ballot be delivered to an**
 9 **address within Indiana;**
 10 must vote before an absentee voter board under section 25(b) of this
 11 chapter.

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

- 15 (1) section 1.5 of this chapter; or
 16 (2) section 33 of this chapter.

17 SECTION 72. IC 3-11.5-4-13 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) If the
 19 absentee ballot counters find under section 11 of this chapter that:

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

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

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

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

- 30 (2) the signatures do not correspond or there is no signature;
 31 (3) the absentee voter is not a qualified voter in the precinct;
 32 (4) the absentee voter has voted in person at the election;
 33 (5) the absentee voter has not registered;
 34 (6) the ballot is open, or has been opened and resealed;
 35 (7) the ballot envelope contains more than one (1) ballot of any
 36 kind;
 37 (8) in case of a primary election, if the absentee voter has not
 38 previously voted, the voter failed to execute the proper

1 declaration relative to age and qualifications and the political
2 party with which the voter intends to affiliate; or

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

4 the ballots shall be rejected.

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

8 (c) The absentee ballot counters or county election board shall
9 issue a certificate to a voter whose ballot has been rejected under this
10 section if the voter appears in person before the board not later than 5
11 p.m. on election day. The certificate must state that the voter's absentee
12 ballot has been rejected and that the voter may vote in person under
13 section 21 of this chapter if otherwise qualified to vote.

14 SECTION 73. IC 3-11.5-4-22 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Each county
16 election board shall appoint:

17 (1) absentee voter boards;

18 (2) teams of absentee ballot counters; and

19 (3) teams of couriers;

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

23 (b) ~~☆ An otherwise qualified~~ person is ~~not~~ eligible to serve on an
24 absentee voter board or as an absentee ballot counter or a courier if
25 **unless** the person:

26 (1) is unable to read, write, and speak the English language;

27 (2) has any property bet or wagered on the result of the election;

28 (3) is a candidate to be voted for at the election, except as an
29 unopposed candidate for precinct committeeman or state
30 convention delegate; or

31 (4) is the spouse, parent, father-in-law, mother-in-law, child,
32 son-in-law, daughter-in-law, grandparent, grandchild, brother,
33 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, **or**
34 niece, **or first cousin** of a candidate or declared write-in
35 candidate to be voted for at the election except as an unopposed
36 candidate. This subdivision disqualifies a person whose
37 relationship to the candidate is the result of birth, marriage, or
38 adoption. ~~This subdivision does not disqualify a person who is~~

1 ~~a spouse of a first cousin of the candidate.~~
 2 SECTION 74. IC 3-11.5-4-23, AS AMENDED BY P.L.3-1995,
 3 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) **Not later than noon ten**
 5 **(10) days before absentee voting begins under IC 3-11-10-26**, each
 6 county election board shall notify the county chairmen of the two (2)
 7 political parties that have appointed members on the county election
 8 board of the number of:

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

12 to be appointed under section 22 of this chapter.
 13 (b) The county chairmen shall make written recommendations for
 14 the appointments ~~within ten (10) days after notification under~~
 15 ~~subsection (a); and to the county election board not later than noon~~
 16 **three (3) days before absentee voting begins under IC 3-11-10-26.**
 17 The county election board shall make the appointments as
 18 recommended.

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

21 SECTION 75. IC 3-11.5-7-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. The voters appointed
 23 as couriers or absentee ballot counters under this article shall be
 24 compensated in the following manner:

- 25 (1) Couriers assigned to deliver absentee ballots certifications to
 26 the precincts on election day under IC 3-11.5-4-8, are entitled to
 27 a per diem ~~not to exceed fifty dollars (\$50)~~ **established by the**
 28 **county executive** and a sum for ~~milage equal in rate to that rate~~
 29 ~~paid to state officers and employees.~~ **mileage established by the**
 30 **county fiscal body.**
- 31 (2) The absentee ballot counters who are assigned to perform
 32 duties regarding absentee ballots on election day are entitled to
 33 a per diem ~~not to exceed fifty dollars (\$50);~~ **established by the**
 34 **county executive.**

35 SECTION 76. IC 3-12-1-16 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) This section applies**
 38 **when:**

- 1 **(1) a ballot:**
 2 **(A) contains pasters applied under IC 3-11-3-29.5(a) to**
 3 **cover the name of an individual who is no longer a**
 4 **candidate; or**
 5 **(B) has been reprinted under IC 3-11-3-29.5(c) to omit**
 6 **the name of an individual who is no longer a candidate;**
 7 **and**
 8 **(2) the candidate vacancy has been filled following the**
 9 **application of the pasters or the reprinting of the ballots.**
 10 **(b) A vote cast on the ballot where the statement "NO**
 11 **CANDIDATE" or "CANDIDATE DECEASED" appears is**
 12 **considered a vote cast for the successor candidate.**

13 SECTION 77. IC 3-12-5-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) Whenever a
 15 candidate is elected:

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

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

25 (b) This subsection applies to a local or school board office
 26 described in subsection (a) with an election district located in more
 27 than one (1) county ~~or~~ **and** a local public question placed on the ballot
 28 in more than one (1) county. The circuit court clerk of the county that
 29 contains the greatest percentage of the population of the election
 30 district shall, upon demand of the candidate or a person entitled to
 31 request a recount of the votes cast on a public question under
 32 IC 3-12-12:

- 33 (1) obtain the certified statement of the votes cast for that office
 34 or on that question that was prepared under IC 3-12-4-9 from the
 35 circuit court clerk in each other county in which the election
 36 district is located;
 37 (2) tabulate the total votes cast for that office or on that question
 38 as shown on the certified statement of each county in the election

1 district; and
 2 (3) issue a certificate of election to the candidate ~~upon the~~
 3 ~~expiration of the period required when permitted~~ under section
 4 16 of this chapter or a certificate declaring the local public
 5 question approved or rejected.

6 SECTION 78. IC 3-12-5-16 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. A certificate of
 8 election may not be issued until the ~~ten (10) day~~ period allowed **under**
 9 **section 14 of this chapter** for the discovery and correction of errors
 10 has expired.

11 SECTION 79. IC 3-12-6-22 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) When a
 13 recount is completed by a commission appointed under this chapter, the
 14 commission shall:

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

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

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

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

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

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

26 (3) **if the recount concerned an office for which a declaration**
 27 **of candidacy must be filed with the election division under**
 28 **IC 3-8-2, file a copy of the certificate with the election**
 29 **division not later than seven (7) days after the date the**
 30 **recount commission filed the certificate with the circuit court**
 31 **clerk.**

32 SECTION 80. IC 3-12-6-28, AS AMENDED BY P.L.3-1997,
 33 SECTION 362, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: Sec. 28. A circuit court clerk shall
 35 immediately transmit a certificate prepared under section 27 of this
 36 chapter showing the votes cast for nomination or election to an office
 37 to the election division **if the recount concerned an office for which**
 38 **a declaration of candidacy must be filed with the election division**

1 **under IC 3-8-2.**

2 SECTION 81. IC 3-12-8-18 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. A circuit court
4 clerk shall certify the determination made **concerning the election**
5 **contest** under section 17 of this chapter to the: ~~appropriate public~~
6 ~~official.~~

- 7 (1) **county election board;**
8 (2) **election division, if the contest concerned an office for**
9 **which a declaration of candidacy must be filed with the**
10 **election division under IC 3-8-2; and**
11 (3) **governor, if the contest concerned an office commissioned**
12 **by the governor under IC 4-3-1-5.**

13 SECTION 82. IC 3-13-1-10.5, AS AMENDED BY P.L.3-1997,
14 SECTION 382, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 10.5. (a) A person who wishes
16 to be a candidate for appointment to fill a candidate vacancy under this
17 chapter must file a declaration of candidacy on a form prescribed by
18 the commission with:

- 19 (1) the chairman of the caucus; and
20 (2) the official who is required to receive a certificate of
21 candidate selection following the caucus under section 15 of this
22 chapter;

23 at least seventy-two (72) hours before the time fixed for the caucus.

24 (b) **The form prescribed under subsection (a) must include a**
25 **statement that the candidate:**

- 26 (1) **is aware of the provisions of IC 3-9 regarding campaign**
27 **finance and the reporting of campaign finance contributions**
28 **and expenditures; and**
29 (2) **agrees to comply with the provisions of IC 3-9.**

30 **The candidate must separately sign the statement required by this**
31 **subsection.**

32 (c) **The commission shall provide that the form prescribed**
33 **under subsection (a) includes the following information near the**
34 **separate signature:**

- 35 (1) **The dates for filing campaign finance reports under**
36 **IC 3-9.**
37 (2) **The penalties for late filing of campaign finance reports**
38 **under IC 3-9.**

1 SECTION 83. IC 3-13-2-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The selection
 3 of a person as a candidate under this chapter is not effective unless:

4 (1) the person's written consent is obtained and filed:

5 (A) in the office in which certificates and petitions of
 6 nomination must be filed; and

7 (B) when the certificate is filed; and

8 (2) the candidate has complied with any requirement under
 9 IC 3-8-1-33 to file a statement of economic interests.

10 **(b) The written consent under subsection (a) must include a**
 11 **statement that the candidate:**

12 **(1) is aware of the provisions of IC 3-9 regarding campaign**
 13 **finance and the reporting of campaign finance contributions**
 14 **and expenditures; and**

15 **(2) agrees to comply with the provisions of IC 3-9.**

16 **The candidate must separately sign the statement required by this**
 17 **subsection.**

18 **(c) The commission shall prescribe the form of the written**
 19 **consent under subsection (a) and shall include the following**
 20 **information near the separate signature:**

21 **(1) The dates for filing campaign finance reports under**
 22 **IC 3-9.**

23 **(2) The penalties for late filing of campaign finance reports**
 24 **under IC 3-9.**

25 SECTION 84. IC 3-13-9-5.6 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5.6. (a) If fewer town
 27 council members have been elected at large than there were members
 28 to be elected, the town council shall determine, ~~at the council's first~~
 29 ~~organizational meeting~~ **not later than December 31** following the
 30 election, the incumbent council member or members who hold office
 31 under Article 15, Section 3 of the Constitution of the State of Indiana
 32 until a successor is elected and qualified. If a tie vote occurs during the
 33 vote to determine the members that continue to hold office, the town
 34 clerk-treasurer casts the deciding vote under IC 36-5-2-8.

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

36 (c) The notice must:

37 (1) be in writing;

38 (2) state the purpose of the meeting;

- 1 (3) state the date, time, and place of the meeting; and
 2 (4) be sent by first class mail to each member of the town
 3 council at least ten (10) days before the meeting.

4 SECTION 85. IC 3-13-11-18 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. A person who
 6 assumes the duties of a vacant office under this chapter has all of ~~its~~
 7 **the office's** rights and duties. **Except as otherwise provided in**
 8 **IC 3-13-6, the person serves for the remainder of the unexpired**
 9 **term.**

10 SECTION 86. IC 3-14-2-16, AS AMENDED BY P.L.4-1996,
 11 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 16. A person who knowingly does any of the
 13 following commits a Class D felony:

- 14 (1) Applies for or receives a ballot in a precinct other than that
 15 **precinct** in which the person is entitled to vote.
 16 (2) **Except when receiving assistance under IC 3-11-9**, shows
 17 a ballot after it is marked to another person in such a way as to
 18 reveal the contents of it or the name of a candidate for whom the
 19 person has voted.
 20 (3) **Except when offering assistance requested by a voter in**
 21 **accordance with IC 3-11-9**, examines a ballot that a voter has
 22 prepared for voting or solicits the voter to show the ballot.
 23 (4) Receives from a voter a ballot prepared by the voter for
 24 voting, except:
 25 (A) the inspector;
 26 (B) a member of the precinct election board temporarily
 27 acting for the inspector;
 28 (C) a member of a county election board or an absentee
 29 voter board acting under IC 3-11-10; or
 30 (D) a member of the voter's household or an individual
 31 designated as attorney in fact for the voter, when delivering
 32 an envelope containing an absentee ballot under
 33 IC 3-11-10-1.
 34 (5) Receives a ballot from a person other than one of the poll
 35 clerks or authorized assistant poll clerks.
 36 (6) Delivers a ballot to a voter to be voted, unless the person is:
 37 (A) a poll clerk or authorized assistant poll clerk; **or**
 38 (B) **a member of a county election board or an absentee**

- 1 **voter board acting under IC 3-11-10.**
- 2 (7) Delivers a ballot (other than an absentee ballot) to an
- 3 inspector that is not the ballot the voter receives from the poll
- 4 clerk or assistant poll clerk.
- 5 (8) Delivers an absentee ballot to a team of absentee ballot
- 6 counters appointed under IC 3-11.5-4-22, a county election
- 7 board, a circuit court clerk, or an absentee voting board under
- 8 IC 3-11-10 that is not the ballot cast by the absentee voter.".
- 9 Page 5, delete lines 1 through 36.
- 10 Page 6, line 24, delete "political subdivision:" and insert
- 11 **"township in which the greatest percentage of population of the**
- 12 **school district resides".**
- 13 Page 6, delete lines 25 through 27.
- 14 Page 6, run in lines 24 through 28.
- 15 Page 6, line 31, delete "**political subdivision**" and insert
- 16 **"township".**
- 17 Page 6, line 33 delete "**following:**" and insert "**executive.**".
- 18 Page 6, delete lines 34 through 37.
- 19 Page 8, delete lines 19 through 42, begin a new paragraph and
- 20 insert:
- 21 "SECTION 89. IC 36-5-2-4.6 IS ADDED TO THE INDIANA
- 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 23 [EFFECTIVE JULY 1, 1998]: **Sec. 4.6. (a) This section applies to a**
- 24 **town if all of the following apply:**
- 25 **(1) The town has a population of more than four thousand**
- 26 **(4,000) but less than four thousand one hundred (4,100).**
- 27 **(2) The town is located in a county having a population of**
- 28 **more than seventy-five thousand (75,000) but less than**
- 29 **seventy-eight thousand (78,000).**
- 30 **(3) The town legislative body adopts an ordinance adopting**
- 31 **the provisions of this section. A town may not adopt an**
- 32 **ordinance under this section during a year in which**
- 33 **municipal elections are held under IC 3-10-6-5.**
- 34 **(b) A town legislative body has the following members:**
- 35 **(1) Three (3) members, each elected by the voters of a**
- 36 **district. The districts are established by ordinance by the**
- 37 **town legislative body as provided in this chapter.**
- 38 **(2) Two (2) members elected at large by all the voters of the**

1 town.

2 (c) An ordinance adopted under this section must provide for
3 the following:

4 (1) Three (3) members of the legislative body are elected
5 during a year that municipal elections are held under
6 IC 3-10-6-5.

7 (2) Two (2) members of the legislative body are elected
8 either:

9 (A) during the year before the year described in
10 subdivision (1); or

11 (B) during the year after the year described in
12 subdivision (1).

13 The year for elections under this subdivision must be chosen
14 so that during the elections held for the town legislative body
15 under subdivision (4), a member of the town legislative body
16 does not serve a term of more than four (4) years.

17 (3) The members of the legislative body elected at large may
18 not be elected at the same time.

19 (4) At the first two (2) elections after the ordinance is
20 adopted, members are elected to serve the following terms:

21 (A) Two (2) members elected under subdivision (1) are
22 elected to a four (4) year term and one (1) member
23 elected under subdivision (1) is elected to a three (3)
24 year term.

25 (B) One (1) member elected under subdivision (2) is
26 elected to a four (4) year term and one (1) member
27 elected under subdivision (2) is elected to a three (3)
28 year term.

29 The ordinance must provide a random procedure to
30 determine which members serve four (4) year terms and
31 which members serve three (3) year terms.

32 (5) A member of the town board elected after the elections
33 described in subdivision (4) serves a term of four (4) years.

34 (6) The term of office of a member begins on January 1 after
35 the member's election.

36 (d) An ordinance adopted under this section may provide that
37 before the first election after adoption of the ordinance, members
38 of the town legislative body added to the legislative body by the

1 **ordinance may be appointed to the legislative body by a vote of the**
 2 **current members of the legislative body.**

3 **(e) After the first two (2) elections held as described in**
 4 **subsection (c)(4), the town legislative body may adopt an ordinance**
 5 **to do the following:**

6 **(1) Divide the town into seven (7) districts.**

7 **(2) Provide that the members elected at large are each**
 8 **elected from a district.**

9 **An ordinance adopted under this subsection must comply with this**
 10 **chapter in establishing the districts and provide details to provide**
 11 **a transition from electing two (2) members at large to electing all**
 12 **members from districts.**

13 **(f) Subject to this section, members of the town legislative body**
 14 **are elected as provided in IC 3-10-6-4.6."**

15 Page 9, delete lines 1 through 20.

16 Page 11, line 11, delete "abandoned" and insert "**unoccupied**".

17 Page 11, between lines 24 and 25, begin a new paragraph and
 18 insert:

19 "SECTION 91. P.L.4-1996, SECTION 114, AS AMENDED BY
 20 P.L.3-1997, SECTION 473, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE UPON PASSAGE]: SECTION 114. (a) As used in this
 22 SECTION, "computer system" refers to the computer system described
 23 in IC 3-9-4-4.

24 (b) Notwithstanding IC 3-9-4-4, the election division is not
 25 required to have the computer system operational before April 1, 1998.

26 (c) Notwithstanding IC 3-9-4-4, not later than April 2, 1998, the
 27 computer system is only required to make the annual reports required
 28 to be filed under IC 3-9-5-10 for calendar year 1997 in searchable,
 29 digital form available on the Internet.

30 (d) Notwithstanding IC 3-9-4-4, after December 31, 1998, and
 31 before January 1, 2000, the computer system is required to ~~do only the~~
 32 ~~following:~~

33 ~~(1) Identify all contributors and committees that received~~
 34 ~~contributions from a contributor during 1997 and 1998.~~

35 ~~(2) Identify all candidates and committees that received~~
 36 ~~contributors to a candidate or committee during 1997 and 1998.~~

37 **make the reports required to be filed under IC 3-9-5 for reporting**
 38 **periods including all or part of calendar years 1997 and 1998 in**

1 **searchable, digital form available on the Internet.**

2 (e) This SECTION expires January 1, 2000.

3 SECTION 92. P.L.3-1997, SECTION 481, IS AMENDED TO
4 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
5 481. (a) Notwithstanding any other statute, **and except as provided in**
6 **this SECTION**, a precinct boundary may not be altered:

7 (1) after November 1, 1998; and

8 (2) before January 1, 2000.

9 (b) **This subsection applies to a precinct with boundaries that**
10 **cross any of the following:**

11 (1) **A congressional district line.**

12 (2) **A state legislative district line.**

13 **Not later than July 1, 1998, the election division shall identify the**
14 **precincts described by this subsection and notify the county**
15 **executive of the division's determination. Not later than July 31,**
16 **1998, the county executive shall submit proposed precinct**
17 **establishment orders to the Indiana election commission for each**
18 **precinct described by this subsection. The orders must propose to**
19 **establish precinct boundaries that comply with IC 3-11-1.5.**

20 (c) **If a county executive does not submit an order required**
21 **under subsection (b), the election division shall notify the**
22 **commission of the continuing violation of the precinct boundary**
23 **statutes. Not later than August 31, 1998, the commission shall**
24 **adopt an order to alter the boundaries of each precinct subject to**
25 **this subsection so that the precinct boundaries comply with**
26 **IC 3-11-1.5. An order adopted under this subsection takes effect**
27 **immediately. A copy of the order shall be forwarded to the county**
28 **voter registration office, the county executive, and the circuit court**
29 **clerk of the county.**

30 (d) **Not later than September 15, 1998, the county voter**
31 **registration office shall alter the voter registration records to**
32 **reflect the order adopted under subsection (c).**

33 (e) **This subsection applies to a precinct with boundaries that**
34 **cross the boundary of a city. Not later than May 31, 1999, the**
35 **election division shall identify the precincts described by this**
36 **subsection and notify the county executive of the division's**
37 **determination. Not later than July 1, 1999, the county executive**
38 **shall submit proposed precinct establishment orders to the Indiana**

1 election commission for each precinct described by this subsection.
 2 The orders must propose to establish precinct boundaries that
 3 comply with IC 3-11-1.5.

4 (f) If a county executive does not submit an order required
 5 under subsection (e), the election division shall notify the
 6 commission of the continuing violation of the precinct boundary
 7 statutes. Not later than August 31, 1999, the commission shall
 8 adopt an order to alter the boundaries of each precinct subject to
 9 this subsection so that the precinct boundaries comply with
 10 IC 3-11-1.5. An order adopted under this subsection takes effect
 11 immediately. A copy of the order shall be forwarded to the county
 12 voter registration office, the county executive, and the circuit court
 13 clerk of the county.

14 (g) Not later than September 15, 1999, the county voter
 15 registration office shall alter the voter registration records to
 16 reflect the order adopted under subsection (f).

17 (h) This subsection applies to a precinct with a boundary that
 18 crosses a town boundary line. Notwithstanding this SECTION and
 19 not later than January 1, 1999, the county executive may submit a
 20 proposed precinct boundary establishment order to establish a
 21 precinct that complies with IC 3-11-1.5 and which would follow the
 22 town boundary. The commission may adopt an order to approve
 23 the proposed precinct not later than January 19, 1999.

24 ~~(i)~~ (i) This SECTION expires December 31, 2000.

25 SECTION 93. IC 3-5-2-32.5 IS REPEALED [EFFECTIVE JULY
 26 1, 1997 (RETROACTIVE)].

27 SECTION 94. THE FOLLOWING ARE REPEALED
 28 [EFFECTIVE UPON PASSAGE]: IC 3-7-35-4; IC 3-8-7-9;
 29 IC 3-9-5-21; IC 3-11-3-7; IC 3-11-3-9."

30 Page 12, between lines 29 and 30, begin a new paragraph and
 31 insert:

32 "SECTION 97. [EFFECTIVE JULY 1, 1995 (RETROACTIVE)]

33 (a) The definitions in IC 3-5-2 apply to this SECTION.

34 (b) This SECTION applies to a voting system that:

35 (1) was approved for marketing and use in Indiana by the
 36 Indiana election commission (or its predecessor, the state
 37 election board) before January 1, 1998; and

38 (2) has been tested by an independent testing authority or

1 other entity designated by the commission to determine
2 whether the voting system complies with the standards
3 applicable to that voting system under IC 3-11-7, IC 3-11-7.5,
4 or IC 3-11-15.

5 (c) If an application is submitted for the recertification of a
6 voting system described in subsection (b), and the election
7 commission finds that:

8 (1) none of the counties using the voting system has objected
9 to the recertification following notification of the public
10 hearing conducted under IC 3-11-7-19 or IC 3-11-7.5-28;

11 (2) mandating retrofitting of the voting system to comply
12 with the standards established by IC 3-11 that have no direct
13 bearing on the ability of the voting system to tabulate votes
14 accurately or to withstand normal usage in the election
15 process would result in significant expense:

16 (A) to the vendor that could reduce the commercial
17 viability of marketing the voting system and impair
18 competition among voting systems as a result; and

19 (B) to a county using the system; and

20 (3) the voting system substantially complies with IC 3-11,
21 except as specified in subdivision (2);

22 the commission may approve the application for recertification
23 under IC 3-11-7-19 or IC 3-11-7.5-28.

24 SECTION 98. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]

25 (a) This SECTION applies to a candidate for a school board office
26 described by IC 3-8-1-34(b).

27 (b) An individual seeking election to a school board office on
28 May 5, 1998:

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

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

33 (c) This SECTION expires June 1, 1998.

34 SECTION 99. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]

35 (a) This SECTION applies to a political action committee in
36 existence on June 30, 1997, that is redefined as:

37 (1) a legislative caucus committee; or

38 (2) a national party affiliate committee;

1 under IC 3-5-2, as amended by P.L.3-1997.

2 (b) Notwithstanding IC 3-5-2, as amended by P.L.3-1997, a
3 legislative caucus committee or a national party affiliate committee
4 is considered a political action committee for all purposes under
5 IC 3 before January 1, 1998.

6 (c) A legislative caucus committee under this SECTION shall
7 file a statement of organization with the election division not later
8 than January 21, 1998, reflecting the committee's status as a
9 legislative caucus committee.

10 (d) This SECTION expires December 31, 1998.

11 SECTION 100. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]

12 (a) Notwithstanding IC 3-9-1-23, as amended by P.L.3-1997,
13 SECTION 176, before January 1, 1998, the treasurer of a
14 committee listed in IC 3-9-1-1(a) is required only to keep an
15 account of the items that were required under IC 3-9-1-23 before
16 the amendment to IC 3-9-1-23 took effect July 1, 1997.

17 (b) Notwithstanding IC 3-9-2-9, as amended by P.L.3-1997,
18 SECTION 178, a contribution transferred to the treasurer of a
19 committee listed in IC 3-9-1-1(a) before January 1, 1998, must
20 include only the information that was required under IC 3-9-2-9
21 before the amendment to IC 3-9-2-9 took effect July 1, 1997.

22 (c) This SECTION expires December 31, 1998.

23 SECTION 101. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]

24 (a) This SECTION applies to a report that must be filed under
25 IC 3-9-5:

26 (1) by a candidate's committee, a legislative caucus
27 committee, or a political action committee not later than
28 noon, January 21, 1998; or

29 (2) by a regular party committee not later than noon, March
30 2, 1998.

31 (b) Notwithstanding IC 3-9-5, as amended by P.L.3-1997:

32 (1) a report described by subsection (a); and

33 (2) the records maintained by a committee treasurer under
34 IC 3-9-5-14;

35 must only comply with the requirements of IC 3-9-5, that were in
36 effect on January 1, 1997.

37 (c) This SECTION expires March 3, 1998.

38 SECTION 102. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]

1 (a) This SECTION applies to a voter registration application form
 2 approved by the Indiana election commission (or its predecessor,
 3 the state election board), after November 1, 1994, and before
 4 January 1, 1999.

5 (b) Notwithstanding IC 3-5-4-8 and IC 3-7-31-5, both as
 6 amended by this act:

7 (1) an applicant to register to vote may submit; and

8 (2) a county voter registration office may approve;

9 a properly completed voter registration application form described
 10 in subsection (a) from an otherwise qualified applicant to register
 11 even though the application form is not the most recent version of
 12 the registration application form approved by the commission.

13 (c) This SECTION expires January 1, 2000.

14 SECTION 103. [EFFECTIVE UPON PASSAGE] (a)
 15 Notwithstanding IC 3-6-5-4, as amended by this act, the term of an
 16 individual serving as a member of a county election board
 17 appointed by a circuit court clerk on the effective date of this
 18 SECTION expires July 1, 2001. An individual appointed to fill the
 19 unexpired term of an individual described by this SECTION serves
 20 until July 1, 2001.

21 (b) This SECTION expires July 2, 2001.

22 SECTION 104. [EFFECTIVE UPON PASSAGE] (a) The
 23 legislative council shall appoint the initial co-directors of the office
 24 of census data established under IC 2-5-19.5, as added by this act,
 25 not later than June 1, 1998.

26 (b) This SECTION expires June 2, 1998.

27 SECTION 105. [EFFECTIVE UPON PASSAGE] (a) Not later
 28 than June 1, 1998, the state certifying official for the Boundary and
 29 Annexation Survey of the United States Bureau of the Census shall
 30 transfer the records maintained for this purpose to the co-directors
 31 of the office of census data.

32 (b) This SECTION expires January 1, 1999.

33 SECTION 106. [EFFECTIVE UPON PASSAGE] (a) As used in
 34 this SECTION, "board" refers to the board of elections and
 35 registration established by IC 3-6-5.2-3, as amended by this act.

36 (b) As used in this SECTION, "combined board" refers to the
 37 combined county election board and board of registration
 38 established by IC 3-6-5.2-3, (as in effect before July 1, 1998).

- 1 (c) An individual serving as a member of the combined board
2 on June 30, 1998 serves as an initial member of the board.
- 3 (d) An individual serving as chief deputy of the combined
4 board on June 30, 1998 serves as the initial director of the board.
- 5 (e) An individual serving as assistant chief deputy of the
6 combined board on June 30, 1998 serves as the initial assistant
7 director of the board.
- 8 (f) An individual serving as an employee of the combined
9 board on June 30, 1998 serves as an employee of the board with all
10 rights, duties, and conditions of employment the individual had as
11 an employee of the combined board before July 1, 1998.
- 12 (g) On July 1, 1998:
- 13 (1) all powers, duties, and functions of the combined board
14 are transferred to the board;
- 15 (2) the property and records of the combined board are
16 transferred to the board; and
- 17 (3) any appropriations made to the combined board shall be
18 treated as appropriations to the board.
- 19 (h) After June 30, 1998, any reference to the combined board
20 in any statute, rule, or ordinance shall be treated as a reference to
21 the board.
- 22 (i) This SECTION expires January 1, 2001."
- 23 Renumber all SECTIONS consecutively.
 (Reference is to HB 1174 as reprinted February 3, 1998.)

and when so amended that said Bill do pass.

Committee Vote: Yeas 7, Nays 1.

Senator Landske, Chairperson