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:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 1998]:

Chapter 19.5. Office of Census Data

Sec. 1. The definitions in IC 1-1-3.5 and IC 3-5-2 apply throughout this chapter.

Sec. 2. As used in this chapter, "committee" refers to the census data advisory committee established under IC 2-5-19.

Sec. 3. As used in this chapter, "council" refers to the legislative council established under IC 2-5-1.1.

Sec. 4. As used in this chapter, "office" refers to the office of census data established under section 5 of this chapter.

Sec. 5. The office of census data is established as a separate agency within the legislative branch of state government.

Sec. 6. The office shall do the following:

(1) Advise and assist the Bureau of the Census and the

committee in defining the boundaries of census blocks in Indiana.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 11. The council shall:

(1) establish the qualifications for personnel of the office;

(2) employ personnel to carry out the purposes of this chapter;

(3) adopt rules governing personnel practices and establishing the rights, privileges, powers, and duties of all employees;

(4) provide for employees to be covered by the public employees' retirement fund; and

(5) establish a pay scale for all employees, including the co-directors.

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

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

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

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

(1) The voter has:

(A) registered or voted in any election during the preceding four (4) years **at the address indicated on the voter's registration record; and**

(B) responded in writing to an address confirmation notice sent to the address indicated on the voter's registration record under IC 3-7 not later than thirty (30) days after the notice was sent.

(2) The voter has not voted in any election during the preceding

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) the outcome of a public question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) permit an earlier approved version of the form or an alternative form to be used before the effective date of the form;

if the commission determines that an emergency requires the use of the form before copies can be transmitted to all persons entitled to receive copies of the form under subsection (b).

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

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

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

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

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

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

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

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

SECTION 8. IC 3-6-4.2-14, AS ADDED BY P.L.3-1997, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1997 (RETROACTIVE)]: Sec. 14. (a) Each year the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title. Each circuit court clerk shall attend the meeting.

(b) The co-directors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division shall conduct the meeting before primary election day. The instructional meeting may not last for more than two (2) days.

(c) Each member of a county election board or board of registration is entitled to receive ~~a:~~ **all of the following:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The voter's name.

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

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

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

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

by the commission:

(A) The election division.

(B) Each county in which a voter with a duplicate registration is registered to vote.

(3) The contractor shall print, prepare for mailing, and mail a postcard addressed to each voter with duplicate registrations at each address found for that voter. Each postcard must contain the following:

(A) The election division's mailing address as a return address.

(B) A return postcard that contains all of the following:

(i) A mailing address to the election division.

(ii) A listing of all the addresses at which the voter is believed to be registered.

(iii) Instructions to the voter to indicate ~~on the listing of~~ **whether** addresses ~~all of the voter's~~ **listed on the postcard are** previous addresses **of the voter.**

(iv) A place for the voter to state the voter's current address.

(v) A statement of the voter authorizing cancellation of the voter's registration at other addresses in Indiana.

(vi) A statement informing the voter that the voter must return the postcard to the election division not later than a date specified by the election division.

(vii) A place for the voter's signature or mark.

(C) A statement of the consequences to the voter of the voter's failure to return the return postcard to the election division not later than a date specified by the election division.

(4) Before ~~April 10 of~~ **a date specified by the election division for** each year, the contractor shall provide to the election division the following lists:

(A) A list of all voters with duplicate registrations who have returned postcards to the election division before a date specified by the election division. The list must indicate for each voter the following information:

(i) The voter's current address, including the county, as provided by the voter.

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

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

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

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

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

(ii) indicated a current residence within the county.

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

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

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

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

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

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

(ii) are registered to vote in the county.

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

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

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

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

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

Postcards and information supplied on postcards sent under this

subdivision must comply with 42 U.S.C. 1973gg-6(d).

(7) Not later than a date specified by the election division, the contractor shall assist the election division in updating the statewide voter registration file using information obtained from the county voter registration offices under section 6 of this chapter.

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

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

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

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

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

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

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

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

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

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

(1) The voter is described in section 4(a)(5)(C) of this chapter.

(2) The voter has not voted (or appeared to vote or to correct the registration record stating the voter's address) in an election during the period:

(A) beginning on the date of the notice sent under section 4(a)(3) of this chapter; and

(B) ending on the day after the date of the second general election that occurs after the date of the notice sent under section 4(a)(3) of this chapter.

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

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

(1) change the registration record to show the new address; and

(2) send the voter a notice of the change;

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

(b) If the information provided under this chapter:

(1) indicates that a voter has moved to an address different from the address where the voter is currently registered; and

(2) does not include a forwarding address;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) a voter has been identified as deceased in a list or report described by this chapter; and

(2) this identification is in error;

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

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

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

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

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

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

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

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

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

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

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

(1) a state office;

(2) a legislative office;

(3) a local office; or

(4) a school board office;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) questioning the eligibility of a candidate to seek the office; and

(2) setting forth the facts known to the voter concerning this question.

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

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

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

(1) is defeated in a primary election; or

(2) appears as a candidate for nomination at a state convention **and is defeated;** or

(3) files a declaration of candidacy for nomination by a **county, city, or** town convention and is defeated;

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

(b) For the purposes of subsection (a):

(1) a candidate for an at-large seat on a fiscal body is considered a candidate for the same office as a candidate for a district seat on a fiscal body; and

(2) a candidate for United States representative from a district in Indiana is considered a candidate for the same office as a candidate for any other congressional district in Indiana.

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

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

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

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

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

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

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

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

(1) The title of each office.

(2) The name of each individual who has filed a ~~written~~ request to be placed on the presidential primary ballot.

(3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.

(4) The names and addresses of all persons who have filed a petition of nomination for election to a school board office to be chosen at the same time as the primary election.

(5) The text of any public question to be placed on the ballot.

(6) The date of the primary election.

(7) The hours during which the polls will be open.

(b) The county election board shall do the following:

(1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.

(2) File a copy of the information described in subsection (a):

(A) with the election division; and

(B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon, ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

(1) compilation of the information described in subsection (a) has occurred; or

(2) the board determines that it is impractical to recompile completely revised information;

the board is only required to ~~provide copies~~ **file a copy** of the amendment ~~to persons listed in subsection (b)(2)~~ **with the minutes of the board.**

SECTION 36. IC 3-8-5-17, AS ADDED BY P.L.3-1995, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) This section applies to a political party:

(1) not qualified to conduct a primary election under IC 3-10; and

(2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

(b) **An individual who desires to be nominated for a town office by the political party must file a declaration of candidacy in the**

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

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

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

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

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

(1) both convention and petition;

(2) both primary election and petition;

(3) both primary election and convention;

(4) more than one (1) petition; or

(5) more than one (1) convention;

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

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

(1) acknowledged before a person authorized to take acknowledgments;

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

(3) no later than noon of the last day for filing a **petition of** nomination **under IC 3-8-6-10(c);** and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The name and address of the committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

question.

(3) A communication in a medium regulated by federal law.

(4) Bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer required by this section cannot be conveniently printed.

(5) Skywriting, water towers, wearing apparel, or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable.

(6) Checks, receipts, and similar items of minimal value that do not contain a political message and are used for purely administrative purposes.

(7) A communication by a political action committee organized and controlled by a corporation soliciting contributions to the political action committee by the stockholders, executives, or employees of the corporation and the families of those individuals.

(8) A communication by a political action committee organized and controlled by a labor organization soliciting contributions to the political action committee by the members or executive personnel of the labor organization and the families of those individuals.

(9) A direct mailing of one hundred (100) or less substantially similar pieces of mail.

(b) This section applies whenever a person:

(1) makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate; or

(2) solicits a contribution;

through a newspaper, a magazine, an outdoor advertising facility, **a poster, a yard sign,** a direct mailing, or any other type of general public political advertising.

(c) For purposes of this section, a candidate is clearly identified if any of the following apply:

(1) The name of the candidate involved appears.

(2) A photograph or drawing of the candidate appears.

(3) The identity of the candidate is apparent by unambiguous reference.

(d) A communication described in subsection (b) must **contain a**

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

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

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

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

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

(A) a candidate;

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

(C) the committee's agents;

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

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

(A) a candidate;

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

(C) the committee's agents;

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

(3) If the communication is not authorized by:

(A) a candidate;

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

(C) the committee's agents;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

disclosure of campaign finance reports of candidates for the following:

(A) Legislative office.

(B) State office.

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

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

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

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

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

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

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

(B) filed defective statements of organization or reports.

(2) Give the following notices:

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

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

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

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

(b) The election division shall mail:

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

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

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

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

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

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

(2) for which a person was assessed a civil penalty under section 16 or 17 of this chapter.

(b) As used in this section, "election board" refers to the following:

(1) The commission if a civil penalty was assessed under section 16 of this chapter.

(2) The county election board if a civil penalty was assessed under section 17 of this chapter.

(c) As used in this section, "person" refers to a person who:

(1) has been assessed a civil penalty under section 16 or 17 of this chapter; and

(2) has filed a declaration of candidacy, a petition of nomination, or a declaration of intent to be a write-in candidate in a subsequent election or for whom a certificate of nomination has been filed.

(d) A person who does both of the following is relieved from further civil liability under this chapter for the delinquent **or defective** report:

(1) Files the delinquent report **or amends the defective report** from the previous candidacy:

(A) before filing a report required under IC 3-9-5-6; or

(B) at the same time the person files the report required under IC 3-9-5-6;

for a subsequent candidacy.

(2) Pays all civil penalties assessed under section 16 or 17 of this chapter for the delinquent report.

(e) This subsection applies to a person who:

(1) is assessed a civil penalty under this chapter; and

(2) is elected to office in the subsequent election.

The election board may order the auditor of state or the fiscal officer of the political subdivision responsible for issuing the person's payment for serving in office to withhold from the person's paycheck the amount of the civil penalty assessed under this chapter. If the amount of the paycheck is less than the amount of the civil penalty, the auditor **or fiscal officer** shall continue withholding money from the person's paycheck until an amount equal to the amount of the civil penalty has been withheld.

(f) The auditor of state or fiscal officer shall deposit an amount **paid, recovered, or** withheld under this section in the election board's

campaign finance enforcement account.

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

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

(1) Candidate's committees.

(2) Regular party committees.

(3) Political action committees.

(4) A legislative caucus committee.

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

(1) Elections to local ~~or school board~~ offices for which the compensation is less than five thousand dollars ($5,000) per year.

(2) Candidates for school board office except a candidate who is required to file a written instrument designating a principal committee under IC 3-9-1-5.

(3) Elections for precinct committeeman or delegate to a state convention.

(4) An auxiliary party organization.

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

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

(1) Twenty-five (25) days before the nomination date.

(2) Twenty-five (25) days before the general, ~~or~~ municipal, **or**

special election.

(3) The annual report filed and dated as required by section 10 of this chapter.

(b) ~~In the case of a special election, each committee, each committee's treasurer, and each candidate shall complete a report required by this chapter current as of twenty-five (25) days before the special election.~~ **This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:**

(1) Twenty-five (25) days before a primary election.

(2) Twenty-five (25) days before a general, municipal, or special election.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

(c) This subsection applies to a legislative caucus committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required under this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election conducted in an even-numbered year.

(2) Twenty-five (25) days before a general election conducted in an even-numbered year.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

A legislative caucus committee is not required to file any report concerning the committee's activity during an odd-numbered year other than the annual report filed and dated under section 10 of this chapter.

SECTION 50. IC 3-9-5-7, AS AMENDED BY P.L.3-1997, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 7. (a) ~~Persons~~ **A person** may deliver reports to the appropriate office as follows:

(1) By hand.

(2) By mail.

(3) By electronic mail, if the appropriate office has the capacity

to:

(A) receive electronic mail; **and**

(B) print out a hard copy of the report immediately upon the receipt of the electronic mail by the office.

(b) Reports must be filed as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The full name of the person.

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

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

(D) The date and amount of each contribution.

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

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

under section 15 of this chapter:

(A) The name and address of the other committee.

(B) The amount of expenditures reported by the other committee.

(C) The date of the expenditures reported by the other committee.

(D) The purpose of the expenditures reported by the other committee.

(6) Each loan to or from a person within the reporting period together with the following information:

(A) The full names and mailing addresses of the lender and endorsers, if any.

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

(C) The date and amount of the loans.

(7) The total sum of all receipts of the committee during the reporting period.

(8) The full name, mailing address, occupation, and principal place of business, if any, of each person other than a committee to whom an expenditure was made by the committee or on behalf of the committee within the year in an aggregate amount that:

(A) exceeds one hundred dollars ($100), in the case of a candidate's committee, **legislative caucus committee,** or political action committee; or

(B) exceeds two hundred dollars ($200), in the case of a regular party committee.

(9) The name, address, and office sought by each candidate for whom any expenditure was made or a statement identifying the public question for which any expenditure was made, including the amount, date, and purpose of each expenditure.

(10) The full name, mailing address, occupation, and principal place of business, if any, of each person to whom an expenditure for personal services, salaries, or reimbursed expenses was made within the year in an aggregate amount that:

(A) exceeds one hundred dollars ($100), in the case of a candidate's committee, **legislative caucus committee,** or political action committee; or

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

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

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

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

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

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

(2) The contribution is received:

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

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

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

(1) A primary election.

(2) A general election.

(3) A municipal election.

(4) A special election.

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

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

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

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

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

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

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The amount of the contribution.

(5) The date the contribution was received by the treasurer, the candidate, or the candidate's committee.

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

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

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

Chapter 8. Independent Expenditures

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

(1) A person who makes an expenditure described by IC 3-9-5-15(b).

(2) An individual, a firm, or a partnership that:

(A) makes a contribution to a candidate or a committee; and

(B) does not make an expenditure.

(3) A corporation or labor organization that makes:

(A) a contribution to a political committee; or

(B) an expenditure to support or oppose a candidate or political party.

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

(1) an individual who makes an expenditure to influence an election within a year; or

(2) a corporation or labor organization that makes an expenditure to support or oppose approval of a public question;

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

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

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

SECTION 58. IC 3-10-1-33, AS AMENDED BY P.L.3-1997, SECTION 217, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. **(a)** The county election board shall also make an additional duplicate showing the votes cast for each candidate required to file a declaration of candidacy with the election division under IC 3-8-2. ~~or for whom a certificate of nomination must be filed with the election division under IC 3-8-7.~~

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

Page 4, between lines 16 and 17, begin a new paragraph and insert:

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

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

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

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

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

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

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

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

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

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

The primary election is conducted under this chapter.

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

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

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

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

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

The election shall be conducted under this chapter.".

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

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

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

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

(1) each circuit court clerk; or

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

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

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

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

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

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

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

(1) The absentee voter board.

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

(3) The circuit court clerk.

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

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

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

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

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

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

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

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

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

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

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

(A) is a mailed application; or

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

from other voters.

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

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

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

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

(1) President and Vice President of the United States;

(2) United States Senator;

(3) all state offices; and

(4) the ratification or rejection of a public question to be voted for by the electorate of the entire state or for the retention of a judge of the Indiana court of appeals;

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

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

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

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

(1) absent uniformed services voters; and

(2) overseas voters;

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

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

(1) must indicate each state office to be elected by the voters at the general election;

(2) must set forth each public question to be voted for at the general election by the electorate of the entire state;

(3) may not state the name of any political party or candidate for election; ~~and~~

(4) must permit the voter to write in the name of a political party or a candidate for election to each office; **and**

~~(f) The special absentee ballot described in subsection (d)~~

(5) must include

~~(1) a form permitting registration under IC 3-7-36; and~~

~~(2)~~ a notice stating that regular absentee ballots will be mailed to the voter by the county election board as soon as the ballots are available.

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

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

(2) That the voter is:

(A) a resident of; or

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

the precinct.

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

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

(5) That:

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

(B) the voter personally marked the enclosed ballot or ballots, enclosed them in this envelope, and sealed them with the assistance of an individual whose name is set forth on the envelope and who affirms under penalty of perjury that the voter was not coerced or improperly influenced by the individual assisting the voter or any other person, in a manner prohibited by state or federal law, to cast the ballot for or against any candidate,

political party, or public question; or

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

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

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

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

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

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

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

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

(b) The county executive shall:

(1) provide public notice; and

(2) file a report;

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

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

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

(1) whose regular precinct poll is inaccessible to voters with disabilities or elderly voters; and

(2) who submits an application on a form prescribed by the commission at least ten (10) days before election day.

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

(1) in person at the principal office of the county election board; or

(2) by mail.

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

(1) Provide each voter with disabilities or elderly voter assigned under subsection (d) a ballot that includes all offices and public questions to be voted for in the voter's precinct of residence.

(2) Prepare a separate poll list for the voters with disabilities and elderly voters assigned to the special voting poll.

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

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

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

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

(B) **the two (2) members of the absentee voter board visiting the voter under section 25(b) of the chapter; or**

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

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

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

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

(5) the absentee voter has not registered;

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

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

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

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

then the ballots may not be accepted or counted.

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

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

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

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

(B) on the absentee ballot application.

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

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

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

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

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

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

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

(b) A voter with disabilities who:

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

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

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

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

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

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

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

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

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

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

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

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

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

(5) the absentee voter has not registered;

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

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

(8) in case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper

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

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

the ballots shall be rejected.

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

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

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

(1) absentee voter boards;

(2) teams of absentee ballot counters; and

(3) teams of couriers;

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

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

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

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

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

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

~~a spouse of a first cousin of the candidate.~~

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

(1) absentee voter boards;

(2) teams of absentee ballot counters; and

(3) teams of couriers;

to be appointed under section 22 of this chapter.

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

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

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

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

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

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

(1) a ballot:

(A) contains pasters applied under IC 3-11-3-29.5(a) to cover the name of an individual who is no longer a candidate; or

(B) has been reprinted under IC 3-11-3-29.5(c) to omit the name of an individual who is no longer a candidate; and

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

(b) A vote cast on the ballot where the statement "NO CANDIDATE" or "CANDIDATE DECEASED" appears is considered a vote cast for the successor candidate.

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

(1) to a local or school board office other than:

~~(1)~~ **(A)** one for which a town clerk-treasurer issues a certificate of election under IC 3-10-7-34; or

~~(2)~~ **(B)** one commissioned by the governor under IC 4-3-1-5; **or**

(2) a precinct committeeman or state convention delegate;

the circuit court clerk shall, ~~after the expiration of the period required~~ **when permitted** under section 16 of this chapter, prepare and deliver to the candidate on demand a certificate of the candidate's election.

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

(1) obtain the certified statement of the votes cast for that office or on that question that was prepared under IC 3-12-4-9 from the circuit court clerk in each other county in which the election district is located;

(2) tabulate the total votes cast for that office or on that question as shown on the certified statement of each county in the election

district; and

(3) issue a certificate of election to the candidate ~~upon the expiration of the period required~~ **when permitted** under section 16 of this chapter or a certificate declaring the local public question approved or rejected.

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

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

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

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

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

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

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

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

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

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

under IC 3-8-2.

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

(1) county election board;

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

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

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

(1) the chairman of the caucus; and

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter;

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

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

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

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

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

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

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

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

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

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

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

(B) when the certificate is filed; and

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

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

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

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

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

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

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

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

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

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

(c) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

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

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

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

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

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

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

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

(4) Receives from a voter a ballot prepared by the voter for voting, except:

(A) the inspector;

(B) a member of the precinct election board temporarily acting for the inspector;

(C) a member of a county election board or an absentee voter board acting under IC 3-11-10; or

(D) a member of the voter's household or an individual designated as attorney in fact for the voter, when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(5) Receives a ballot from a person other than one of the poll clerks or authorized assistant poll clerks.

(6) Delivers a ballot to a voter to be voted, unless the person is:

(A) a poll clerk or authorized assistant poll clerk; **or**

(B) a member of a county election board or an absentee

voter board acting under IC 3-11-10.

(7) Delivers a ballot (other than an absentee ballot) to an inspector that is not the ballot the voter receives from the poll clerk or assistant poll clerk.

(8) Delivers an absentee ballot to a team of absentee ballot counters appointed under IC 3-11.5-4-22, a county election board, a circuit court clerk, or an absentee voting board under IC 3-11-10 that is not the ballot cast by the absentee voter.".

Page 5, delete lines 1 through 36.

Page 6, line 24, delete "political subdivision:" and insert "**township in which the greatest percentage of population of the school district resides**".

Page 6, delete lines 25 through 27.

Page 6, run in lines 24 through 28.

Page 6, line 31, delete "**political subdivision**" and insert "**township**".

Page 6, line 33 delete "**following:**" and insert "**executive.**".

Page 6, delete lines 34 through 37.

Page 8, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 89. IC 36-5-2-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 4.6. (a) This section applies to a town if all of the following apply:**

(1) The town has a population of more than four thousand (4,000) but less than four thousand one hundred (4,100).

(2) The town is located in a county having a population of more than seventy-five thousand (75,000) but less than seventy-eight thousand (78,000).

(3) The town legislative body adopts an ordinance adopting the provisions of this section. A town may not adopt an ordinance under this section during a year in which municipal elections are held under IC 3-10-6-5.

(b) A town legislative body has the following members:

(1) Three (3) members, each elected by the voters of a district. The districts are established by ordinance by the town legislative body as provided in this chapter.

(2) Two (2) members elected at large by all the voters of the

town.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 9, delete lines 1 through 20.

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

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

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

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

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

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

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

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

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

searchable, digital form available on the Internet.

(e) This SECTION expires January 1, 2000.

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

(1) after November 1, 1998; and

(2) before January 1, 2000.

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

(1) A congressional district line.

(2) A state legislative district line.

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

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

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

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

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

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

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

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

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

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

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

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

"SECTION 97. [EFFECTIVE JULY 1, 1995 (RETROACTIVE)] **(a) The definitions in IC 3-5-2 apply to this SECTION.**

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

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

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

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

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

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

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

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

(B) to a county using the system; and

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

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

SECTION 98. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] **(a) This SECTION applies to a candidate for a school board office described by IC 3-8-1-34(b).**

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

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

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

(c) This SECTION expires June 1, 1998.

SECTION 99. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] **(a) This SECTION applies to a political action committee in existence on June 30, 1997, that is redefined as:**

(1) a legislative caucus committee; or

(2) a national party affiliate committee;

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

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

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

(d) This SECTION expires December 31, 1998.

SECTION 100. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] **(a) Notwithstanding IC 3-9-1-23, as amended by P.L.3-1997, SECTION 176, before January 1, 1998, the treasurer of a committee listed in IC 3-9-1-1(a) is required only to keep an account of the items that were required under IC 3-9-1-23 before the amendment to IC 3-9-1-23 took effect July 1, 1997.**

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

(c) This SECTION expires December 31, 1998.

SECTION 101. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] **(a) This SECTION applies to a report that must be filed under IC 3-9-5:**

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

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

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

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

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

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

(c) This SECTION expires March 3, 1998.

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

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

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

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

(2) a county voter registration office may approve;

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

(c) This SECTION expires January 1, 2000.

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

(b) This SECTION expires July 2, 2001.

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

(b) This SECTION expires June 2, 1998.

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

(b) This SECTION expires January 1, 1999.

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

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

(c) An individual serving as a member of the combined board on June 30, 1998 serves as an initial member of the board.

(d) An individual serving as chief deputy of the combined board on June 30, 1998 serves as the initial director of the board.

(e) An individual serving as assistant chief deputy of the combined board on June 30, 1998 serves as the initial assistant director of the board.

(f) An individual serving as an employee of the combined board on June 30, 1998 serves as an employee of the board with all rights, duties, and conditions of employment the individual had as an employee of the combined board before July 1, 1998.

(g) On July 1, 1998:

(1) all powers, duties, and functions of the combined board are transferred to the board;

(2) the property and records of the combined board are transferred to the board; and

(3) any appropriations made to the combined board shall be treated as appropriations to the board.

(h) After June 30, 1998, any reference to the combined board in any statute, rule, or ordinance shall be treated as a reference to the board.

(i) This SECTION expires January 1, 2001.".

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