



**CONFERENCE COMMITTEE REPORT
DIGEST FOR SB 109**

Citations Affected: IC 3-5-2; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-11.5-4-22; IC 3-12; IC 3-13; IC 3-14; IC 4-5; IC 4-7; IC 4-8.1; IC 5-4-1; IC 5-6; IC 20-4-3-2; IC 33-2.1-8; IC 33-5; IC 33-16-4-1; IC 36-1-6-10; IC 3-5-2-32.5; IC 4-5-1-10; IC 4-7-1-17; IC 4-8.1-2-15; IC 3-9-5-20; IC 3-9-5-21; IC 3-11-7-13; IC 3-11-13-34; IC 3-11-13-34.5; IC 3-11-15-35; IC 5-4-1-1.1.

Synopsis: Various elections matters. Conference committee report for ESB 109. Makes the following changes in election law: (1) Amends certain definitions relating to campaign finance. (2) Changes the name and certain provisions relating to employees of the Lake County combined county election board and board of registration. Provides that the board may hire attorneys to provide legal services for the board. (3) Makes various changes in the appointment and duties of precinct election officers, including permitting certain precinct election officers to serve for a half day. (4) Makes various changes relating to voter registration procedures. (5) Makes several changes in procedures for certification of election results and for election recounts, challenges, and contests. (6) Makes changes relating to declaration of candidacy for judicial offices. (7) Makes changes relating to disbanding of the political committees, including provisions for administrative disbanding of committees. (8) Defines when a political contribution is considered received by a political committee. (9) Makes changes relating to filing of campaign finance reports. (10) Makes changes relating to the formatting, testing, and handling of certain kinds of ballot systems. (11) Makes changes relating to the ability of a voter to vote in the precinct from which the voter moved. (12) Establishes the state recount fund to receive, hold, and pay expenses relating to recounts, challenges, and contests. Appropriates sufficient funds to pay for expenses relating to election recounts, challenges, and contests. (13) Requires a candidate vacancy on a general election ballot for certain offices to be filled not later than 35 days after a primary election. (Under current law, the vacancy must be filled not later than August 1, which would still be the case for most local offices.) Provides that a candidate vacancy that occurs due to the withdrawal of a candidate may be filled not later than 30 days after the vacancy occurs, regardless of the reason the candidate has withdrawn. (Under current law, a candidate vacancy that occurs because of the death of a candidate, withdrawal of a candidate who has moved from the election district, disqualification of a candidate, or under certain judicial orders may be filled not later than 30 days after the vacancy occurs.) (14) Provides that a criminal statute providing penalties for certain actions to influence a voter applies to the same actions intended to influence a candidate. (15) Makes changes relating to taking and filing oaths of office. (16) Provides that an appointed deputy of an officer of a political subdivision or a judicial circuit does not hold a lucrative office. (17) Removes a term limit provision in the statute relating to the Hammond school board. (18) Repeals obsolete statutes. (19) Makes other technical changes. (This conference committee report makes the following changes: (a) Inserts into the bill the campaign



finance provisions from ESB 294. (b) Inserts the provisions of SB 523 concerning absentee ballot couriers. (This report does not insert the provision relating to the threshold when a county must have a board of registration.) (c) Inserts certain municipal election provisions from EHB 1313. (d) Inserts the provision making the continuing appropriation for election recount, challenge, and contest expenses. Provides a deadline for making claims for past expenses. (This report does not make the \$10,000 appropriation for past expenses.) (e) Changes the effective date after which the Lake county board of elections and registration may hire an attorney. (f) Removes the provisions for local public questions in Lake County. (g) Provides that a candidate vacancy due to the withdrawal of a candidate, regardless of the reason for the withdrawal of the candidate, may be filled not later than 30 days after the vacancy occurs. (h) Reconciles conflicts with HEA 1079, including removing provisions from the bill contained in HEA 1079 that do not require additional amendments. (i) Makes technical changes.)

Effective: July 1, 1997 (retroactive); January 1, 1998 (retroactive); November 3, 1998 (retroactive); December 1, 1998 (retroactive); January 1, 1999 (retroactive); April 23, 1999 (retroactive); Upon passage; July 1, 1999.



Adopted Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 109 respectfully reports that said two committees have conferred and agreed as follows to wit:

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

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 elections and to make an appropriation.
- 4 Delete everything after the enacting clause and insert the
- 5 following:
- 6 SECTION 1. IC 3-5-2-2.5 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
- 8 Sec. 2.5. "Auxiliary party organization" means an organization located
- 9 within or outside Indiana that:
- 10 (1) is affiliated with a political party;
- 11 (2) proposes to influence the election of a candidate for state,
- 12 legislative, local, or school board office, or the outcome of a
- 13 public question; and
- 14 (3) has not:
- 15 (A) had an annual budget of five thousand dollars (\$5,000)
- 16 or more in at least one (1) of the last two (2) years; or
- 17 (B) made a contribution of more than ~~five hundred dollars~~
- 18 ~~(\$500)~~ **one thousand dollars (\$1,000)** to another
- 19 committee or to a candidate.
- 20 SECTION 2. IC 3-5-2-32.7 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32.7. "Nomination
- 22 date" refers to the following:
- 23 (1) For candidates nominated in a primary election, the date of

- 1 the primary election.
- 2 (2) For candidates nominated in a convention, the date of the
3 convention is **scheduled to be called to order, according to the**
4 **call of the convention issued by the political party.**
- 5 (3) For candidates selected to fill a ballot vacancy, the date
6 the certificate of selection of the candidate is filed under
7 **IC 3-13-1-15 or IC 3-13-2-8.**
- 8 (4) For candidates nominated by petition, the final date the
9 petition of nomination is permitted to be filed under
10 **IC 3-8-6-10(c).**
- 11 (5) For write-in candidates, the final date the candidate's
12 declaration of intent to be a write-in candidate is permitted
13 to be filed under **IC 3-8-2-4.**

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

- 19 (1) ~~The organization is not:~~
- 20 (A) ~~affiliated with a political party; or~~
- 21 (B) ~~a candidate's committee.~~
- 22 (2) ~~The organization proposes to influence:~~
- 23 (A) the election of a candidate for state, legislative, local, or
24 school board office; or
- 25 (B) the outcome of a public question.
- 26 (3) ~~(2) The organization accepts contributions or makes~~
27 ~~expenditures during a calendar year:~~
- 28 (A) to influence the election of a candidate for state,
29 legislative, local, or school board office or the outcome of
30 a public question that will appear on the ballot in Indiana;
31 **and**
- 32 (B) that in the aggregate exceed one hundred dollars (\$100).
- 33 (4) ~~(3) The organization is not any of the following:~~
- 34 (A) An auxiliary party organization.
- 35 (B) A legislative caucus committee.
- 36 (C) A regular party committee.
- 37 (D) A candidate's committee.

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

41 SECTION 4. IC 3-6-5.2-2 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this
43 chapter, "~~combined~~ "board" refers to the ~~combined county election~~
44 ~~board and~~ board of **elections and** registration established by section 3
45 of this chapter.

46 SECTION 5. IC 3-6-5.2-3 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The ~~combined~~
48 ~~county election board and~~ board of **elections and** registration is
49 established and shall be known as the _____ (name of county)
50 ~~combined county election board and~~ board of **elections and**
51 registration.

1 SECTION 6. IC 3-6-5.2-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Each member of the
 3 ~~combined~~ board shall be paid an annual salary of not less than ten
 4 thousand dollars (\$10,000). The salaries of the board members shall be
 5 fixed in the manner prescribed by IC 36-2-5 or IC 36-3-6 and paid out
 6 of the county general fund in accordance with IC 3-5-3-1 as other
 7 election expenses are paid.

8 SECTION 7. IC 3-6-5.2-6 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The ~~combined~~
 10 board has all of the powers and duties given in this title to the
 11 following:

- 12 (1) The county election board.
- 13 (2) The board of registration.
- 14 (3) The circuit court clerk.
- 15 (4) The county executive.

16 (b) The ~~chief deputy director~~ appointed under section 7 of this
 17 chapter shall perform all the duties of the circuit court clerk under this
 18 title. The ~~combined~~ board shall perform all the duties of the county
 19 executive under this title.

20 SECTION 8. IC 3-6-5.2-7 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The ~~combined~~
 22 board may vest day to day operations in a ~~chief deputy director~~ of the
 23 ~~combined~~ board and in an assistant ~~chief deputy director~~ of the
 24 ~~combined~~ board.

25 (b) The ~~chief deputy director~~ of the ~~combined~~ board is appointed
 26 by the county chairman of the political party whose nominee received
 27 the highest number of votes in the county for secretary of state in the
 28 last election.

29 (c) The assistant ~~chief deputy director~~ of the ~~combined~~ board is
 30 appointed by the county chairman of the political party whose nominee
 31 received the second highest number of votes in the county for secretary
 32 of state in the last election.

33 (d) ~~The chief deputy of the combined board shall receive an~~
 34 ~~annual salary of not less than the salary of other chief deputies in the~~
 35 ~~county.~~ The assistant ~~chief deputy director~~ shall receive an annual
 36 salary of not less than two thousand dollars (\$2,000) less than the
 37 salary of the ~~chief deputy director~~.

38 (e) **The board shall establish the number and compensation of**
 39 **the employees of the board. The county chairman of each of the**
 40 **major political parties in the county shall appoint one-half (1/2) of**
 41 **the board employees. The director, the assistant director, and the**
 42 **board employees serve at the pleasure of their respective**
 43 **appointing authorities.**

44 SECTION 9. IC 3-6-5.2-8 IS ADDED TO THE INDIANA CODE
 45 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 46 UPON PASSAGE]: Sec. 8. (a) **As used in this section, before July 1,**
 47 **1999, "board" refers to the combined county election board and**
 48 **board of registration.**

49 (b) **The board may, by a vote of a majority of the members of**
 50 **the board, hire attorneys to provide legal services for the board, as**
 51 **determined by the board.**

1 SECTION 10. IC 3-6-6-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as
 3 otherwise provided by law, each county election board shall appoint a
 4 precinct election board for each precinct in the county.

5 (b) A precinct election board consists of **the following:**

6 (1) One (1) inspector. ~~and~~

7 (2) Two (2) judges. ~~of opposite political parties;~~

8 (c) **Each county chairman of a major political party of the**
 9 **county is entitled to nominate one (1) judge under section 9 of this**
 10 **chapter.**

11 (d) Each **inspector and judge** ~~of whom~~ must be a voter of the
 12 county.

13 (e) The inspector ~~shall serve~~ **serves** as the chairman of the precinct
 14 election board.

15 SECTION 11. IC 3-6-6-2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each county
 17 election board shall appoint two (2) poll clerks for each precinct in the
 18 county.

19 (b) **Each county chairman of a major political party of the**
 20 **county is entitled to nominate one (1) poll clerk under section 9 of**
 21 **this chapter.**

22 (c) The poll clerks must be ~~of opposite political parties and must~~
 23 ~~be~~ voters of the county.

24 SECTION 12. IC 3-6-6-3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Each county
 26 election board may appoint two (2) assistant poll clerks in each
 27 precinct.

28 (b) **Each county chairman of a major political party of the**
 29 **county is entitled to nominate one (1) assistant poll clerk under**
 30 **section 9 of this chapter.**

31 ~~(b)~~ (c) Except as provided in subsection ~~(c)~~; **(d)**, the assistant poll
 32 clerks must be ~~of opposite political parties and must be~~ voters of the
 33 county.

34 ~~(c)~~ **(d)** The county election board may permit a person who is not
 35 a voter to be an assistant poll clerk if the person is:

36 (1) at least sixteen (16) years of age, but not more than seventeen

37 (17) years of age; and

38 (2) a resident of the county.

39 SECTION 13. IC 3-6-6-5 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as
 41 provided in subsection ~~(b)~~; **(d)**, each county election board shall
 42 appoint two (2) election sheriffs for each precinct in the county.

43 (b) **Each county chairman of a major political party of the**
 44 **county is entitled to nominate one (1) election sheriff under section**
 45 **9 of this chapter.**

46 (c) The sheriffs must be ~~of opposite political parties and must be~~
 47 voters of the county.

48 ~~(b)~~ **(d)** A county executive may issue an order providing that the
 49 judges of each precinct named in the order shall perform the duties and
 50 have the rights of the election sheriffs of the precinct named in the
 51 order. An order issued under this subsection remains in effect until the

1 county executive ~~retracts~~ **rescinds** the order.

2 SECTION 14. IC 3-6-6-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A county
4 chairman may make nominations for precinct election offices by filing
5 the nominations in writing with the circuit court clerk no later than
6 noon fourteen (14) days before the election.

7 **(b) This subsection does not apply to the office of precinct**
8 **inspector. A county chairman may specify in the nomination of an**
9 **individual for a precinct election office that the individual is**
10 **nominated to serve until noon on election day and that another**
11 **individual is nominated to serve in the same precinct election office**
12 **beginning at noon on election day until the expiration of the term**
13 **of the office under section 37(b) of this chapter.**

14 SECTION 15. IC 3-6-6-11 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A county
16 election board shall appoint the voters who are nominated for precinct
17 election offices by the county chairmen.

18 **(b) This subsection does not apply to the office of precinct**
19 **inspector. This subsection applies to an appointment to a precinct**
20 **election office made following a nomination by a county chairman**
21 **under this chapter. The county election board shall provide that an**
22 **appointment of an individual to a precinct election office:**

23 (1) expires at noon on election day; or

24 (2) begins at noon on election day and expires under section
25 37(b) of this chapter;

26 **if the nomination made by the county chairman specifies that the**
27 **nomination is made for a term that begins or expires at those times.**

28 **(c) This subsection does not apply to the office of precinct**
29 **inspector. This subsection applies to an appointment to a precinct**
30 **election office made by a county election board under section 13(b)**
31 **of this chapter. The county election board may appoint an**
32 **individual to a precinct election office for a term that:**

33 (1) expires at noon on election day; or

34 (2) begins at noon on election day and expires under section
35 37(b) of this chapter.

36 SECTION 16. IC 3-6-6-14 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section
38 does not apply to a vacancy in the office of election sheriff in a precinct
39 that is subject to a resolution adopted under section 5 of this chapter.

40 (b) If a precinct election officer fails to appear at the hour set for
41 the opening of the polls, or if a precinct election office becomes vacant
42 during election day, the remaining members of the precinct election
43 board shall fill the vacancy upon the nomination of the highest ranking
44 precinct election officer ~~whose~~ **nominated by the county chairman**
45 **of the same** political party is ~~the same as that required for whose~~
46 **county chairman was entitled to nominate** the holder of the office to
47 be filled.

48 **(c) If a county chairman fails to nominate the individual**
49 **appointed to make a nomination to fill a vacant precinct election**
50 **office under subsection (b), the individual appointed by the county**
51 **election board to this precinct election office under section 13(b) of**

1 **this chapter is entitled to make the nomination to fill the vacant**
 2 **precinct office under this section.**

3 ~~(c)~~ (d) For the purpose of these nominations, the rank of precinct
 4 election officers is as follows:

- 5 (1) Inspector.
- 6 (2) Judge.
- 7 (3) Poll clerk.
- 8 (4) Assistant poll clerk.
- 9 (5) Election sheriff.

10 SECTION 17. IC 3-6-6-32 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) If a precinct
 12 has both poll clerks and assistant poll clerks and the voting is entirely
 13 done by paper ballot, the assistant poll clerks shall perform the same
 14 duties required of the poll clerks regarding the initialing and giving out
 15 of the ballots and pencils **or pens** when required to do so. ~~However,~~

16 (b) It is necessary for only the two (2) poll clerks or assistant poll
 17 clerks giving out a ballot to place their initials on the back of the ballot.
 18 ~~although~~ **However**, the **two (2)** poll clerks or assistant poll clerks must
 19 ~~be of opposite~~ **not have been nominated to a precinct election office**
 20 **by the county chairman of the same political parties: party.**

21 SECTION 18. IC 3-6-6-36 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 36. (a) As used in this
 23 section, "law enforcement officer" means a:

- 24 (1) police officer;
- 25 (2) sheriff;
- 26 (3) constable;
- 27 (4) marshal; or
- 28 (5) a deputy of any of those persons.

29 (b) Law enforcement officers of the state and of political
 30 subdivisions may not come within fifty (50) feet of the polls, except to
 31 **do any of the following:**

- 32 (1) To serve process of court.
- 33 (2) To vote.
- 34 (3) **To be present** when summoned by the election sheriffs or
 35 **precinct judges.**
- 36 (4) To serve as a pollbook holder.
- 37 (5) **To serve as an absentee ballot courier appointed under**
 38 **IC 3-11.5-4-22.**

39 SECTION 19. IC 3-7-10 IS ADDED TO THE INDIANA CODE
 40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]:

42 **Chapter 10. General Provisions**

43 **Sec. 1. This article is enacted by the general assembly to**
 44 **implement Article 2, Section 14(c) of the Constitution of the State**
 45 **of Indiana, which requires the general assembly to provide for the**
 46 **registration of all persons entitled to vote.**

47 SECTION 20. IC 3-7-12-41 IS ADDED TO THE INDIANA
 48 CODE AS A NEW SECTION TO READ AS FOLLOWS
 49 [EFFECTIVE UPON PASSAGE]: Sec. 41. **As provided in 42 U.S.C.**
 50 **1973gg-5(a)(5), an employee or volunteer of a county voter**
 51 **registration office may not do any of the following:**

- 1 **(1) Seek to influence an applicant's political preference or**
 2 **party registration.**
 3 **(2) Display any political preference or party allegiance,**
 4 **including pictures, photographs, or other likenesses of any**
 5 **currently elected federal, state, county, or local official.**
 6 **(3) Make any statement to an applicant or take any action**
 7 **the purpose or effect of which is to discourage the applicant**
 8 **from registering to vote.**
 9 **(4) Make any statement to an applicant or take any action**
 10 **the purpose or effect of which is to lead the applicant to**
 11 **believe that a decision whether or not to register has any**
 12 **bearing on the availability of services or benefits.**

13 SECTION 21. IC 3-7-19-6 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: **Sec. 6. As provided in 42 U.S.C. 1973gg-5(a)(5),**
 16 **an employee or volunteer of a county voter registration office may**
 17 **not do any of the following:**

- 18 **(1) Seek to influence an applicant's political preference or**
 19 **party registration.**
 20 **(2) Display any political preference or party allegiance,**
 21 **including pictures, photographs, or other likenesses of any**
 22 **currently elected federal, state, county, or local official.**
 23 **(3) Make any statement to an applicant or take any action**
 24 **the purpose or effect of which is to discourage the applicant**
 25 **from registering to vote.**
 26 **(4) Make any statement to an applicant or take any action**
 27 **the purpose or effect of which is to lead the applicant to**
 28 **believe that a decision whether or not to register has any**
 29 **bearing on the availability of services or benefits.**

30 SECTION 22. IC 3-7-20-7 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: **Sec. 7. As provided in 42 U.S.C. 1973gg-5(a)(5),**
 33 **an employee or volunteer of a voter registration office designated**
 34 **under this chapter may not do any of the following:**

- 35 **(1) Seek to influence an applicant's political preference or**
 36 **party registration.**
 37 **(2) Display any political preference or party allegiance,**
 38 **including pictures, photographs, or other likenesses of any**
 39 **currently elected federal, state, county, or local official.**
 40 **(3) Make any statement to an applicant or take any action**
 41 **the purpose or effect of which is to discourage the applicant**
 42 **from registering to vote.**
 43 **(4) Make any statement to an applicant or take any action**
 44 **the purpose or effect of which is to lead the applicant to**
 45 **believe that a decision whether or not to register has any**
 46 **bearing on the availability of services or benefits.**

47 SECTION 23. IC 3-7-22-6 IS AMENDED TO READ AS
 48 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) As provided**
 49 **in 42 U.S.C. 1973gg-4(b), the NVRA official shall make registration**
 50 **by mail forms available for distribution, with particular emphasis on**
 51 **organized voter registration programs.**

1 (b) **This subsection does not apply to a request made by the**
 2 **state chairman of a political party whose nominee received at least**
 3 **two percent (2%) of the total vote cast for secretary of state at the**
 4 **most recent election for secretary of state.** The co-directors **may**
 5 **shall** require a person who requests more than ten thousand (10,000)
 6 registration forms to submit a voter registration program plan to the
 7 NVRA official to document the person's need for the desired number
 8 of forms.

9 SECTION 24. IC 3-7-27-23 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: **Sec. 23. (a) This section applies to**
 12 **a county that maintains voter registration information in a**
 13 **computerized system.**

14 **(b) If a county voter registration office enters into a contract**
 15 **to acquire voter registration computer software provided by a**
 16 **person other than a person who:**

17 **(1) had previously furnished the voter registration computer**
 18 **software to the county; or**

19 **(2) is currently providing technical assistance regarding the**
 20 **computer software to the county voter registration office;**

21 **the county voter registration office shall notify the person who**
 22 **furnished the software or is providing support for the software of**
 23 **this determination. This notice shall be sent by certified mail,**
 24 **return receipt requested, to the most recent address provided to**
 25 **the county by this person.**

26 **(c) Not later than sixty (60) days after the county voter**
 27 **registration office mails the notice described in subsection (b), the**
 28 **person receiving the notice shall provide the person who has**
 29 **entered into a contract with the county voter registration office**
 30 **with information concerning the specifications for the computer**
 31 **software program furnished to the county or supported by that**
 32 **person. A person is not required to provide proprietary**
 33 **information to another person under this subsection but is**
 34 **required to act in good faith to permit the county voter registration**
 35 **office to install the voter registration software supplied by another**
 36 **person.**

37 SECTION 25. IC 3-8-1-2, AS AMENDED BY HEA 1079-1999,
 38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23,
 39 1999 (RETROACTIVE)]: **Sec. 2. (a) The commission, a county**
 40 **election board, or a town election board shall act in accordance with**
 41 **this section if a candidate (or a person acting on behalf of a candidate**
 42 **in accordance with state law) has filed any of the following:**

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

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

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

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

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

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

3 (b) The commission has jurisdiction to act under this section with
4 regard to any filing described in subsection (a) that was made with the
5 election division. Except for a filing under the jurisdiction of a town
6 election board, a county election board has jurisdiction to act under this
7 section with regard to any filing described in subsection (a) that was
8 made with the county election board, county voter registration office,
9 or the circuit court clerk. A town election board has jurisdiction to act
10 under this section with regard to any filing that was made with the
11 county election board, the county voter registration office, or the circuit
12 court clerk for nomination or election to a town office.

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

- 17 (1) questioning the eligibility of a candidate to seek the office;
18 and
19 (2) setting forth the facts known to the voter concerning this
20 question.

21 (d) **The eligibility of a write-in candidate or a candidate**
22 **nominated by a convention, petition, or primary may not be**
23 **challenged under this section if the commission or board**
24 **determines that all of the following occurred:**

25 (1) **The eligibility of the candidate was challenged under this**
26 **section before the candidate was nominated.**

27 (2) **The commission or board conducted a hearing on the**
28 **affidavit before the nomination.**

29 (3) **This challenge would be based on substantially the same**
30 **grounds as the previous challenge to the candidate.**

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

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

42 SECTION 26. IC 3-8-1-5 IS AMENDED TO READ AS
43 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section
44 does not apply to a candidate for federal office.

45 (b) A person is disqualified from holding or being a candidate for
46 an elected office if the person:

47 (1) gave or offered a bribe, threat, or reward to procure the
48 person's election, as provided in Article 2, Section 6 of the
49 Constitution of the State of Indiana;

50 (2) does not comply with IC 5-8-3 **because of a conviction for**
51 **a violation of the federal laws listed in that statute;**

- 1 (3) has:
- 2 (A) entered a plea of guilty or nolo contendere to; or
- 3 (B) been convicted of;
- 4 a felony (as defined in IC 35-50-2-1);
- 5 (4) has been removed from the office the candidate seeks under
- 6 Article 7, Section 11 or Article 7, Section 13 of the Constitution
- 7 of the State of Indiana; ~~or~~
- 8 (5) is a member of the United States armed forces on active duty
- 9 and prohibited by the United States Department of Defense from
- 10 being a candidate; **or**
- 11 **(6) is subject to:**
- 12 **(A) 5 U.S.C. 1502 (the Little Hatch Act); or**
- 13 **(B) 5 U.S.C. 7321-7326 (the Hatch Act);**
- 14 **and would violate either federal statute by becoming or**
- 15 **remaining the candidate of a political party for nomination**
- 16 **or election to an elected office or a political party office.**
- 17 SECTION 27. IC 3-8-1-5.5, AS AMENDED BY HEA 1079-1999,
- 18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23,
- 19 1999 (RETROACTIVE)]: Sec. 5.5. (a) Except as provided in
- 20 IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a ticket, a
- 21 person who:
- 22 (1) is defeated in a primary election;
- 23 (2) appears as a candidate for nomination at a ~~state~~ convention
- 24 and is defeated; ~~or~~
- 25 (3) files a declaration of candidacy for nomination by a county,
- 26 city, or town convention and is defeated; **or**
- 27 **(4) files a declaration of candidacy for nomination by a**
- 28 **caucus conducted under IC 3-13-1 or IC 3-13-2 and is**
- 29 **defeated;**
- 30 is not eligible to become a candidate for the same office in the next
- 31 general or municipal election.
- 32 (b) For the purposes of subsection (a):
- 33 (1) a candidate for an at-large seat on a fiscal body is considered
- 34 a candidate for the same office as a candidate for a district seat
- 35 on a fiscal body; and
- 36 (2) a candidate for United States representative from a district in
- 37 Indiana is considered a candidate for the same office as a
- 38 candidate for any other congressional district in Indiana.
- 39 (c) This section does not apply to a candidate who files a written
- 40 request for placement on the presidential primary ballot under IC 3-8-3.
- 41 SECTION 28. IC 3-8-1-5.7 IS AMENDED TO READ AS
- 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.7. (a) Except as
- 43 expressly provided by law, a candidate for selection under **IC 3-13-5**
- 44 **or IC 3-13-11** for an appointment pro tempore to an office must comply
- 45 with the requirements imposed under this chapter on a candidate for
- 46 election to the office.
- 47 (b) If a town council member:
- 48 (1) was elected or selected as a candidate from a town council
- 49 district; and
- 50 (2) served on a council that subsequently adopted an ordinance
- 51 under IC 36-5-2-4.1 abolishing town council districts;

1 a candidate for selection for an appointment pro tempore to succeed the
 2 town council member is not required to reside within the district
 3 formerly represented by the town council member.

4 SECTION 29. IC 3-8-1-28.5, AS AMENDED BY HEA
 5 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 APRIL 23, 1999 (RETROACTIVE)]: Sec. 28.5. (a) This section does
 7 not apply to a candidate for the office of judge of a city court in a city
 8 located in a county having a population of more than two hundred
 9 thousand (200,000) but less than three hundred thousand (300,000).

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

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

18 **(d) This subsection applies to a candidate for the office of**
 19 **judge of a city court listed in IC 33-10.1-5-7(c). Before a candidate**
 20 **for the office of judge of the court may file a:**

21 **(1) declaration of candidacy or petition of nomination;**

22 **(2) certificate of candidate selection under IC 3-13-1-15 or**
 23 **IC 3-13-2-8; or**

24 **(3) declaration of intent to be a write-in candidate or**
 25 **certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;**

26 **the candidate must be an attorney in good standing admitted to the**
 27 **practice of law in Indiana.**

28 SECTION 30. IC 3-8-1-29.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: Sec. 29.5. (a) **This section applies**
 31 **to a candidate for the office of judge of a town court listed in**
 32 **IC 33-10.1-5-7(c).**

33 **(b) Before a candidate for the office of judge of the court may**
 34 **file a:**

35 **(1) declaration of candidacy or petition of nomination;**

36 **(2) certificate of candidate selection under IC 3-13-1-15 or**
 37 **IC 3-13-2-8; or**

38 **(3) declaration of intent to be a write-in candidate or**
 39 **certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;**

40 **the candidate must be an attorney in good standing admitted to the**
 41 **practice of law in Indiana.**

42 SECTION 31. IC 3-8-2-15 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A person
 44 who files a declaration of candidacy for an elected office for which a
 45 per diem or salary is provided for by law is disqualified from filing a
 46 declaration of candidacy for another office for which a per diem or
 47 salary is provided for by law until the original declaration is withdrawn.

48 (b) A person may file both:

49 (1) a declaration of candidacy under this chapter for nomination
 50 to a federal or state office; and

51 (2) a written request under IC 3-8-3-1 that the person's name be

1 placed on the ballot in a primary election as a candidate for
2 nomination for the office of President of the United States.

3 (c) A person may not file:

4 (1) a declaration of candidacy for a nomination; and

5 (2) a petition of nomination **or declaration of intent to be a**
6 **write-in candidate** for a school board office that is elected at the
7 same time as the primary election.

8 If a person files both a declaration of candidacy and a petition of
9 nomination described in this subsection, the matter shall be referred to
10 the county election board under section 18 of this chapter. The board
11 shall determine which document was most recently filed and shall
12 consider the previously filed document to have been withdrawn.

13 SECTION 32. IC 3-8-6-10 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as
15 provided in section 11 of this chapter, a petition of nomination must be
16 submitted to the county voter registration office of each county in
17 which the election district is located.

18 (b) The petition must be

19 ~~(1)~~ filed during the period beginning January 1 of the year in
20 which the election will be held and ending at noon July 15
21 before the election. ~~and~~

22 ~~(2) accompanied by the candidate's written consent to become a~~
23 ~~candidate and any statement of economic interests required~~
24 ~~under IC 3-8-1-33.~~

25 (c) The county voter registration office shall certify and file a
26 petition that complies with the requirements of this chapter with the
27 public official authorized to place names on the ballot (and with the
28 town clerk-treasurer, if the petition of nomination is for a town office)
29 by noon August 1. Following certification of a petition under this
30 section, the office may, upon the request of a candidate named in the
31 petition, return the original petition to the candidate for filing with the
32 appropriate official in accordance with this subsection.

33 (d) During a year in which a federal decennial census, federal
34 special census, special tabulation, or corrected population count
35 becomes effective under IC 1-1-3.5, a petition of nomination may be
36 filed for an office that will appear on the primary election ballot that
37 year as a result of the new tabulation of population or corrected
38 population count.

39 SECTION 33. IC 3-8-6-12 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A petition
41 of nomination for an office filed under section 10 of this chapter must
42 be filed with and certified by the person with whom a declaration of
43 candidacy must be filed under IC 3-8-2.

44 (b) The petition of nomination must be accompanied by the
45 following:

46 (1) ~~Each~~ **The** candidate's written consent to become a candidate.

47 (2) A statement that the candidate:

48 (A) is aware of the provisions of IC 3-9 regarding campaign
49 finance and the reporting of campaign contributions and
50 expenditures; and

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

- 1 The candidate must separately sign the statement required by
 2 this subdivision.
- 3 (3) If the candidate is subject to IC 3-9-1-5, a statement by the
 4 candidate that the candidate has filed a campaign finance
 5 statement of organization under IC 3-9-1-5 or is aware that the
 6 candidate may be required to file a campaign finance statement
 7 of organization not later than noon seven (7) days after the final
 8 date for filing a petition for nomination under section 10 of this
 9 chapter.
- 10 (4) A statement that if the individual is a candidate for a school
 11 board office, the candidate is aware of the requirement to file a
 12 campaign finance statement of organization under IC 3-9 after
 13 the first of either of the following occurs:
- 14 (A) The candidate receives more than five hundred dollars
 15 (\$500) in contributions as a school board candidate.
- 16 (B) The candidate makes more than five hundred dollars
 17 (\$500) in expenditures as a school board candidate.
- 18 (5) A statement indicating whether or not each candidate:
- 19 (A) has been a candidate for state or local office in a
 20 previous primary or general election; and
- 21 (B) has filed all reports required by IC 3-9-5-10 for all
 22 previous candidacies.
- 23 (6) A statement that each candidate is legally qualified to hold
 24 the office that the candidate seeks, including any applicable
 25 residency requirements and restrictions on service due to a
 26 criminal conviction.
- 27 (7) If the petition is filed with the secretary of state for an office
 28 not elected by the electorate of the whole state, a statement
 29 signed by the circuit court clerk of each county in the election
 30 district of the office sought by the individual.
- 31 **(8) Any statement of economic interests required under**
 32 **IC 3-8-1-33.**
- 33 (c) The statement required under subsection (b)(7) must:
- 34 (1) be certified by each circuit court clerk; and
- 35 (2) indicate the number of votes cast for secretary of state:
- 36 (A) at the last election for secretary of state; and
- 37 (B) in the part of the county included in the election district
 38 of the office sought by the individual filing the petition.
- 39 (d) The secretary of state shall, by noon August 20, certify each
 40 petition of nomination filed in the secretary of state's office to the
 41 appropriate county.
- 42 (e) The commission shall provide that the form of a petition of
 43 nomination includes the following information near the separate
 44 signature required by subsection (b)(2):
- 45 (1) The dates for filing campaign finance reports under IC 3-9.
- 46 (2) The penalties for late filing of campaign finance reports
 47 under IC 3-9.
- 48 SECTION 34. IC 3-8-7-6 IS AMENDED TO READ AS
 49 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. ~~Within~~ **(a) Not later**
 50 **than noon** ten (10) days after:
- 51 **(1) receipt of the candidate and delegate lists from each circuit**

1 court clerk under section 5 of this chapter; or

2 **(2) the certification of the canvass performed by the election**
 3 **division under IC 3-10-1-34;**

4 **whichever occurs later**, the secretary of state shall furnish to the state
 5 chairman of each **major** political party **in of** the state ~~whose nominee~~
 6 ~~received at least ten percent (10%) of the total vote cast for secretary~~
 7 ~~of state at the last election a complete list, certified under the~~
 8 ~~secretary's hand and seal. of:~~

9 **(b) The list described in subsection (a) must:**

10 (1) ~~contain the names of~~ all candidates nominated ~~and delegates~~
 11 ~~elected~~ as certified by the **circuit court** clerks under section 5 of
 12 this chapter; ~~and~~

13 (2) **contain the names of** all candidates shown to be nominated
 14 by the canvass of the ~~secretary of state~~ **election division**
 15 **conducted** under IC 3-10-1-34; ~~Each list must and~~

16 (3) include the address of each candidate. ~~and delegate. The~~
 17 ~~delegate lists shall be certified in duplicate, separate from the~~
 18 ~~candidate lists.~~

19 **(c) No other form of certification of nomination for office is**
 20 **necessary for an individual included on the list described by this**
 21 **section.**

22 SECTION 35. IC 3-8-7-6.5 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 1999]: **Sec. 6.5. (a) Not later than noon ten (10) days after receipt**
 25 **of the delegate lists from each circuit court clerk under section 5 of**
 26 **this chapter, the secretary of state shall furnish to the state**
 27 **chairman of each major political party of the state a list of**
 28 **individuals elected as delegates to the convention of the chairman's**
 29 **political party.**

30 **(b) The list described under subsection (a) must:**

31 (1) **contain the names of all delegates elected, as certified by**
 32 **the circuit court clerks under section 5 of this chapter; and**

33 (2) **include the address of each delegate.**

34 **(c) The delegate lists must be certified separately from the**
 35 **candidate lists certified under section 6 of this chapter and may not**
 36 **contain the name of an individual appointed to serve as a state**
 37 **convention delegate.**

38 SECTION 36. IC 3-8-7-25.5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 25.5. (a) This**
 40 **section does not apply to the change of a candidate's name that occurs**
 41 **after absentee ballots have been printed bearing the candidate's name.**

42 **(b) A candidate who:**

43 (1) is:

44 **(A) nominated for election; or**

45 **(B) a candidate for nomination; and**

46 (2) wishes to change the candidate's name after:

47 **(A) the candidate has been nominated; or**

48 **(B) the candidate has become a candidate for**
 49 **nomination;**

50 may file a statement setting forth the former and current name of the
 51 candidate with the office where a declaration of candidacy or certificate

1 of nomination for the office is required to be filed. **If the final date**
 2 **and hour has not passed for filing a declaration of candidacy,**
 3 **consent for nomination, or declaration of intent to be a write-in**
 4 **candidate, the candidate must file the request for a change of name**
 5 **on the form prescribed by the commission for the declaration or**
 6 **consent.**

7 (c) The statement filed under subsection (b) must also indicate that
 8 the candidate has previously filed a change of name request with a
 9 county voter registration office so that the name set forth in the
 10 statement is identical to the candidate's name on the county voter
 11 registration record.

12 (d) Upon the filing of the statement, the election division and each
 13 county election board shall print the candidate's name on the ballot as
 14 set forth in the statement.

15 SECTION 37. IC 3-9-1-4 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A committee
 17 must include in its statement of organization the following:

- 18 (1) The name and address of the committee.
- 19 (2) The purpose for which the committee is formed, **unless the**
 20 **committee is a candidate's committee that identifies a**
 21 **specific office sought by the candidate.**
- 22 (3) The name and address of the chairman and treasurer.
- 23 (4) If applicable, the name, address, office sought, and political
 24 party affiliation or independent status of each candidate whom
 25 the committee is supporting.
- 26 (5) If the committee is **a legislative caucus committee, political**
 27 **action committee, or regular party committee and is**
 28 supporting the entire ticket of a political party, the name of the
 29 party.
- 30 (6) If the committee is **a political action committee** supporting
 31 or opposing a public question, a brief statement of the question
 32 supported or opposed.
- 33 (7) A listing of all banks, safety deposit boxes, and other
 34 depositories used.
- 35 (8) Other information prescribed by the commission under
 36 IC 3-6-4.1-14(a)(3).

37 SECTION 38. IC 3-9-1-12 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A
 39 committee may disband at any time **in the manner prescribed by this**
 40 **section.**

41 (b) **The commission or a county election board may**
 42 **administratively disband a committee in the manner prescribed by**
 43 **this section.**

44 (c) **The commission has exclusive jurisdiction to disband any**
 45 **of the following:**

- 46 (1) **A candidate's committee for state office.**
- 47 (2) **A candidate's committee for legislative office.**
- 48 (3) **A legislative caucus committee.**
- 49 (4) **A political action committee that has filed a statement or**
 50 **report with the election division.**
- 51 (5) **A regular party committee that has filed a statement or**

- 1 report with the election division.
- 2 (d) A county election board has exclusive jurisdiction to
- 3 disband any of the following:
- 4 (1) A candidate's committee for a local office.
- 5 (2) A candidate's committee for a school board office.
- 6 (3) A political action committee that has filed a statement or
- 7 report with the election board, unless the political action
- 8 committee has also filed a report with the election division.
- 9 (4) A regular party committee that has filed a statement or
- 10 report with the election board, unless the regular party
- 11 committee has also filed a report with the election division.
- 12 (e) The commission or a county election board may
- 13 administratively disband a committee in the following manner:
- 14 (1) Not later than the last Friday of January of each year, the
- 15 election division or county election board shall review the list
- 16 of committees that have filed statements of organization with
- 17 the division or board under this article.
- 18 (2) If the election division or county election board
- 19 determines that a committee:
- 20 (A) has not filed any report of expenditures during the
- 21 previous three (3) calendar years;
- 22 (B) owes no debts to any person other than:
- 23 (i) a civil penalty assessed by the commission or
- 24 board; or
- 25 (ii) to an individual who was a candidate and also
- 26 serves as the chairman or treasurer of the
- 27 candidate's committee, if the committee filed a
- 28 report under this article; and
- 29 (C) last reported cash on hand in an amount that does
- 30 not exceed one thousand dollars (\$1,000), if the
- 31 committee filed a report under this article;
- 32 the election division or county election board may begin a
- 33 proceeding before the commission or board to
- 34 administratively disband the committee.
- 35 (3) The election division or county election board shall
- 36 provide notice of the proceeding by certified mail to the last
- 37 known address of the chairman and treasurer of the
- 38 committee.
- 39 (4) The commission or board may issue an order
- 40 administratively dissolving the committee and waiving any
- 41 outstanding civil penalty previously imposed by the
- 42 commission or board, if the commission or board makes the
- 43 following findings:
- 44 (A) There is no evidence that the committee continues to
- 45 receive contributions, make expenditures, or otherwise
- 46 function as a committee.
- 47 (B) The prudent use of public resources makes further
- 48 efforts to collect any outstanding civil penalty imposed
- 49 against the committee wasteful or unjust.
- 50 (C) According to the best evidence available to the
- 51 commission or board, the dissolution of the committee

1 **will not impair any contract or impede the collection of**
 2 **a debt or judgment by any person.**

3 **(5) The election division shall arrange for the publication in**
 4 **the Indiana Register of an order administratively disbanding**
 5 **a committee. A county election board shall publish a notice**
 6 **under IC 5-3-1 stating that the board has disbanded a**
 7 **committee under this subsection. The notice must state the**
 8 **date of the order and the name of the committee, but the**
 9 **board is not required to publish the text of the order.**

10 **(6) An order issued under this subsection takes effect**
 11 **immediately upon its adoption, unless otherwise specified in**
 12 **the order.**

13 **(f) If the chairman or treasurer of a committee wishes to**
 14 **disband the committee, the committee must do either of the following:**

15 (1) Give written notification of the dissolution and transfer a
 16 surplus of contributions less expenditures to any one (1) or a
 17 combination of the following:

18 (A) One (1) or more regular party committees.

19 (B) One (1) or more candidate's committees.

20 (C) The election division.

21 (D) An organization exempt from federal income taxation
 22 under Section 501 of the Internal Revenue Code.

23 (E) Contributors to the committee, on a pro rata basis.

24 (2) Use the surplus in any other manner permitted under
 25 IC 3-9-3-4.

26 **(g) Except as provided in subsection (e) concerning the waiver**
 27 **of civil penalties, a dissolution and or transfer of funds does not**
 28 **relieve the committee or its the committee's members from civil or**
 29 **criminal liability.**

30 SECTION 39. IC 3-9-1-25 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A member
 32 of a committee that has appointed a treasurer in accordance with this
 33 chapter may solicit or receive contributions as long as the member
 34 immediately turns over the contributions without diminution to the
 35 treasurer of the committee, to be disbursed and accounted for by the
 36 treasurer as provided by this article. The treasurer shall show, in the
 37 treasurer's account and statement and in addition to the requirements
 38 of IC 3-9-5, through what member of the committee any contributions
 39 were received.

40 **(b) A contribution is considered to be received and accepted by**
 41 **a committee when any member of the committee:**

42 **(1) has physical possession of the contribution; and**

43 **(2) manifests an intent to keep the contribution by depositing**
 44 **the contribution, subject to IC 3-9-5-14(c).**

45 SECTION 40. IC 3-9-1-25.5 IS ADDED TO THE INDIANA
 46 CODE AS A NEW SECTION TO READ AS FOLLOWS
 47 [EFFECTIVE UPON PASSAGE]: Sec. 25.5. For purposes of this
 48 **article, a person makes a contribution during the calendar year in**
 49 **which the person relinquishes control over the contribution by:**

50 **(1) depositing the contribution in the United States mail; or**

51 **(2) transferring the contribution to any other person who has**

1 **been directed to convey the contribution to the person**
 2 **intended to be the recipient of the contribution.**

3 SECTION 41. IC 3-9-2-13 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. An individual
 5 may not ~~make solicit~~ or receive a contribution in violation of the
 6 following statutes:

- 7 (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).
- 8 (2) IC 4-23-7.1-38 (Indiana State Library).
- 9 (3) IC 4-23-7.2-17 (Indiana Historical Bureau).
- 10 (4) IC 8-23-2-3 (Indiana Department of Transportation).
- 11 (5) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural
 12 Resources).

13 SECTION 42. IC 3-9-3-2.5, AS AMENDED BY HEA 1079-1999,
 14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23,
 15 1999 (RETROACTIVE)]: Sec. 2.5. (a) This section does not apply to
 16 any of the following:

- 17 (1) A communication relating to an election to a federal office.
- 18 (2) A communication relating to the outcome of a public
 19 question.
- 20 (3) A communication **described by this section** in a medium
 21 regulated by federal law **to the extent that federal law**
 22 **regulates the appearance, content, or placement of the**
 23 **communication in the medium.**
- 24 (4) Bumper stickers, pins, buttons, pens, and similar small items
 25 upon which the disclaimer required by this section cannot be
 26 conveniently printed.
- 27 (5) Skywriting, water towers, wearing apparel, or other means of
 28 displaying an advertisement on which the inclusion of a
 29 disclaimer would be impracticable.
- 30 (6) Checks, receipts, and similar items of minimal value that do
 31 not contain a political message and are used for purely
 32 administrative purposes.
- 33 (7) A communication by a political action committee organized
 34 and controlled by a corporation soliciting contributions to the
 35 political action committee by the stockholders, executives, or
 36 employees of the corporation and the families of those
 37 individuals.
- 38 (8) A communication by a political action committee organized
 39 and controlled by a labor organization soliciting contributions to
 40 the political action committee by the members or executive
 41 personnel of the labor organization and the families of those
 42 individuals.
- 43 (9) A direct mailing of one hundred (100) or less substantially
 44 similar pieces of mail.

45 (b) This section applies whenever a person:
 46 (1) makes an expenditure for the purpose of financing
 47 communications expressly advocating the election or defeat of
 48 a clearly identified candidate; or
 49 (2) solicits a contribution;
 50 through a newspaper, a magazine, an outdoor advertising facility, a
 51 poster, a yard sign, a direct mailing, or any other type of general public

1 political advertising.

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

4 (1) The name of the candidate involved appears.

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

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

8 (d) A communication described in subsection (b) must contain a
9 disclaimer that appears and is presented in a clear and conspicuous
10 manner to give the reader or observer adequate notice of the identity of
11 persons who paid for and, when required, who authorized the
12 communication. A disclaimer does not comply with this section if the
13 disclaimer is difficult to read or if the placement of the disclaimer is
14 easily overlooked.

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

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

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

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

25 (A) a candidate;

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

27 (C) the committee's agents;

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

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

32 (A) a candidate;

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

34 (C) the committee's agents;

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

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

39 (A) a candidate;

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

41 (C) the committee's agents;

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

46 (4) If the communication is a solicitation directed to the general
47 public on behalf of a political committee that is not a candidate's
48 committee, the solicitation must clearly state the full name of the
49 person who paid for the communication.

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

51 (1) a printed slate card, a sample ballot, or other printed listing

1 of three (3) or more candidates for public office at an election;
 2 (2) campaign materials such as handbills, brochures, posters,
 3 party tabloids or newsletters, and yard signs distributed by
 4 volunteers and used by the regular party committee in
 5 connection with volunteer activities on behalf of any nominee of
 6 the party; or

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

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

12 SECTION 43. IC 3-9-4-4 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
 14 Sec. 4. (a) The election division shall develop a filing **and** coding **and**
 15 ~~cross-indexing~~ system consistent with the purposes of this article. The
 16 election division and each county election board shall use the filing
 17 **and** coding **and** ~~cross-indexing~~ system. The coding system must
 18 provide:

19 (1) **not more than ten (10)** codes to account for various
 20 campaign expenditure items; and

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

23 (b) The election division shall develop and use a computer system
 24 to store campaign finance reports required to be filed under IC 3-9-5-6,
 25 ~~and~~ IC 3-9-5-10, **and IC 3-9-5-20.1**. The computer system must enable
 26 the election division to do the following:

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

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

31 (3) Provide for electronic submission, retrieval, storage, and
 32 disclosure of campaign finance reports of candidates for the
 33 following:

34 (A) Legislative office.

35 (B) State office.

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

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

50 (d) **The election division is not required to accept an electronic**
 51 **submission unless the submission complies with subsection (b)(3).**

1 **Upon receiving approval from the commission, the election division**
 2 **may accept an electronic submission from candidates, committees,**
 3 **or persons described in subsection (b)(3).**

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

7 SECTION 44. IC 3-9-4-14 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The election
 9 division and each county election board shall do all of the following:

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

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

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

15 (2) Give the following notices:

16 (A) To delinquents to file a statement of organization or a
 17 report immediately upon receipt of the notice. A
 18 delinquency notice must be given not later than thirty (30)
 19 days after ~~each election. the date the report was required~~
 20 **to be filed.** The ~~commission election division~~ or a county
 21 election board may, but is not required to, give delinquency
 22 notices at other times.

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

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

33 (b) The election division shall mail:

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

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

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

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

49 SECTION 45. IC 3-9-4-18 IS AMENDED TO READ AS
 50 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in
 51 this section, "delinquent **or defective** report" refers to a campaign

- 1 finance report **or statement of organization:**
- 2 (1) that was required to be filed under IC 3-9-5 but was not filed
- 3 in the manner required under IC 3-9-5; and
- 4 (2) for which a person was assessed a civil penalty under section
- 5 16 or 17 of this chapter.
- 6 (b) As used in this section, "election board" refers to the following:
- 7 (1) The commission if a civil penalty was assessed under section
- 8 16 of this chapter.
- 9 (2) The county election board if a civil penalty was assessed
- 10 under section 17 of this chapter.
- 11 (c) As used in this section, "person" refers to a person who:
- 12 (1) has been assessed a civil penalty under section 16 or 17 of
- 13 this chapter; and
- 14 (2) has filed a declaration of candidacy, a petition of nomination,
- 15 or a declaration of intent to be a write-in candidate in a
- 16 subsequent election or for whom a certificate of nomination has
- 17 been filed.
- 18 (d) A person who does both of the following is relieved from
- 19 further civil liability under this chapter for the delinquent **or defective**
- 20 report:
- 21 (1) Files the delinquent report **or amends the defective report**
- 22 from the previous candidacy:
- 23 (A) before filing a report required under IC 3-9-5-6; or
- 24 (B) at the same time the person files the report required
- 25 under IC 3-9-5-6;
- 26 for a subsequent candidacy.
- 27 (2) Pays all civil penalties assessed under section 16 or 17 of this
- 28 chapter for the delinquent report.
- 29 (e) This subsection applies to a person who:
- 30 (1) is assessed a civil penalty under this chapter; and
- 31 (2) is elected to office in the subsequent election.
- 32 The election board may order the auditor of state or the fiscal officer of
- 33 the political subdivision responsible for issuing the person's payment
- 34 for serving in office to withhold from the person's paycheck the amount
- 35 of the civil penalty assessed under this chapter. If the amount of the
- 36 paycheck is less than the amount of the civil penalty, the auditor **or**
- 37 **fiscal officer** shall continue withholding money from the person's
- 38 paycheck until an amount equal to the amount of the civil penalty has
- 39 been withheld.
- 40 (f) The auditor of state or fiscal officer shall deposit an amount
- 41 **paid, recovered, or** withheld under this section in the election board's
- 42 campaign finance enforcement account.
- 43 (g) Proceedings of the election board under this section are subject
- 44 to IC 4-21.5.
- 45 SECTION 46. IC 3-9-5-6 IS AMENDED TO READ AS
- 46 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
- 47 Sec. 6. (a) **This subsection applies to a candidate's committee.**
- 48 Except as otherwise provided in this chapter, each committee, **its the**
- 49 **committee's** treasurer, and each candidate shall complete a report
- 50 required by this chapter current and dated as of the following dates:
- 51 (1) Twenty-five (25) days before the nomination date.

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

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

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

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

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

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

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

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

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

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

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

32 (d) ~~This subsection applies to a political action committee.~~
33 ~~Except as otherwise provided in this chapter, each committee and~~
34 ~~the committee's treasurer shall complete a report required by this~~
35 ~~chapter current and dated as of the following dates:~~

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

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

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

41 SECTION 47. IC 3-9-5-7 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) ~~Persons A~~
43 ~~person~~ may deliver reports to the appropriate office as follows:

44 (1) By hand.

45 (2) By mail.

46 (3) By electronic mail, if the appropriate office has the capacity
47 to:

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

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

51 (b) Reports must be filed as follows:

- 1 (1) Hand delivered reports **or reports transmitted by mail** must
 2 be ~~received by~~ **filed with** the appropriate office during regular
 3 office hours not later than noon seven (7) days after the date of
 4 the report.
- 5 (2) Reports delivered by electronic mail must be ~~received by~~
 6 **filed with** the appropriate office not later than noon seven (7)
 7 days after the date of the report.
- 8 ~~(3) Reports that are mailed must be postmarked not later than~~
 9 ~~noon seven (7) days after the date of the report.~~
- 10 **(c) This subsection applies to a report delivered by electronic**
 11 **mail. Filing of a report occurs under IC 3-5-2-24.5 when the hard**
 12 **copy is printed out and the office records the date and time of the**
 13 **printout on the report. If a discrepancy exists between the text of**
 14 **the electronic mail and the printed report, the text of the printed**
 15 **report prevails until an amendment is filed under this article to**
 16 **correct the discrepancy.**
- 17 **(d) An office is not required to accept a report or statement**
 18 **required under this article by facsimile transmission. Upon**
 19 **approval of a policy by the commission or a county election board**
 20 **to receive reports or statements by facsimile transmission, the**
 21 **election division or the county election board may accept the**
 22 **facsimile transmission of a report or statement.**
- 23 SECTION 48. IC 3-9-5-8 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section**
 25 **applies to** a candidate for nomination to an office in a state convention
 26 who
 27 ~~(1)~~ becomes a candidate less than twenty-five (25) days before
 28 the **nomination date for a candidate chosen at a** convention.
 29 ~~and~~
- 30 ~~(2) does~~ **(b) A candidate is not required to file the required a**
 31 **report in accordance with section 7 section 6(a)(1) of this chapter. The**
 32 **candidate shall file the candidate's first report no not** later than noon
 33 twenty (20) days after the **nomination date for a candidate chosen at**
 34 **a state convention.**
- 35 ~~(b)~~ (c) The reporting period for a **the first** report required ~~under~~
 36 **this section for a candidate** begins on the date that the individual
 37 became a candidate and ends on the day following the adjournment of
 38 the state convention.
- 39 SECTION 49. IC 3-9-5-8.2 IS ADDED TO THE INDIANA CODE
 40 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: **Sec. 8.2. (a) This section applies to a candidate**
 42 **who is nominated by petition under IC 3-8-6.**
- 43 **(b) A candidate is not required to prepare or file a report**
 44 **before the nomination date.**
- 45 **(c) The period for the first report required for a candidate**
 46 **begins on the date that the individual became a candidate and ends**
 47 **fourteen (14) days after the nomination date.**
- 48 SECTION 50. IC 3-9-5-8.4 IS ADDED TO THE INDIANA CODE
 49 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 50 UPON PASSAGE]: **Sec. 8.4. (a) This section applies to a candidate**
 51 **who files a declaration of intent to be a write-in candidate under**

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

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

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

7 SECTION 51. IC 3-9-5-8.5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This
 9 section applies to a candidate who is selected to fill a vacancy on the
 10 ballot under IC 3-13-1 or IC 3-13-2.

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

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

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

24 SECTION 52. IC 3-9-5-14 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
 26 Sec. 14. (a) As used in this section, "threshold contribution amount"
 27 refers to the following:

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

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

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

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

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

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

46 (A) The full name of the person.

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

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

- 1 (D) The date and amount of each contribution.
- 2 (4) The name and address of each committee from which the
- 3 reporting committee received, or to which that committee made,
- 4 a transfer of funds, together with the amounts and dates of all
- 5 transfers.
- 6 (5) If the reporting committee is a candidate's committee, the
- 7 following information about each other committee that has
- 8 reported expenditures to the reporting candidate's committee
- 9 under section 15 of this chapter:
- 10 (A) The name and address of the other committee.
- 11 (B) The amount of expenditures reported by the other
- 12 committee.
- 13 (C) The date of the expenditures reported by the other
- 14 committee.
- 15 (D) The purpose of the expenditures reported by the other
- 16 committee.
- 17 (6) Each loan to or from a person within the reporting period
- 18 together with the following information:
- 19 (A) The full names and mailing addresses of the lender and
- 20 endorsers, if any.
- 21 (B) The person's occupation, if the person is an individual
- 22 who has made loans of at least one thousand dollars
- 23 (\$1,000) **to the committee** during the calendar year.
- 24 (C) The date and amount of the loans.
- 25 (7) The total sum of all receipts of the committee during the
- 26 reporting period.
- 27 (8) The full name, mailing address, occupation, and principal
- 28 place of business, if any, of each person other than a committee
- 29 to whom an expenditure was made by the committee or on behalf
- 30 of the committee within the year in an aggregate amount that:
- 31 (A) exceeds one hundred dollars (\$100), in the case of a
- 32 candidate's committee, **legislative caucus committee**, or
- 33 political action committee; or
- 34 (B) exceeds two hundred dollars (\$200), in the case of a
- 35 regular party committee.
- 36 (9) The name, address, and office sought by each candidate for
- 37 whom any expenditure was made or a statement identifying the
- 38 public question for which any expenditure was made, including
- 39 the amount, date, and purpose of each expenditure.
- 40 (10) The full name, mailing address, occupation, and principal
- 41 place of business, if any, of each person to whom an expenditure
- 42 for personal services, salaries, or reimbursed expenses was made
- 43 within the year in an aggregate amount that:
- 44 (A) exceeds one hundred dollars (\$100), in the case of a
- 45 candidate's committee, **legislative caucus committee**, or
- 46 political action committee; or
- 47 (B) exceeds two hundred dollars (\$200), in the case of a
- 48 regular party committee;
- 49 and that is not otherwise reported, including the amount, date,
- 50 and purpose of the expenditure.
- 51 (11) The total sum of expenditures made by the committee

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

6 **(c) If a committee:**
 7 **(1) obtains a contribution;**
 8 **(2) determines that the contribution should not be accepted**
 9 **by the committee; and**
 10 **(3) does not receive and accept the contribution under**
 11 **IC 3-9-1-25(b);**

12 **the committee must return the contribution to the person who**
 13 **made the contribution. A returned contribution is not required to**
 14 **be listed on the report of the committee's treasurer. However, if the**
 15 **committee receives and deposits the contribution under**
 16 **IC 3-9-1-25(b) and subsequently determines that the contribution**
 17 **should be refunded, the receipt and refund of the contribution**
 18 **must be listed on the report of the committee's treasurer.**

19 SECTION 53. IC 3-9-5-16 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
 21 Sec. 16. (a) This subsection applies to a candidate's committee **of a**
 22 **candidate whose name does not appear on the ballot at any time**
 23 **during a year and who is not a write-in candidate during that year.**
 24 The reports required to be filed by this chapter are cumulative during
 25 the year. If no contributions or expenditures have been accepted or
 26 made during a year, the treasurer of the candidate's committee shall file
 27 a statement to that effect.

28 (b) This subsection applies to a political action committee or a
 29 regular party committee. If a committee has not received or made
 30 contributions or expenditures, the committee shall file a report under
 31 section 6 of this chapter stating that no contributions or expenditures
 32 have been received or made.

33 SECTION 54. IC 3-9-5-20.1 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE UPON PASSAGE]: **Sec. 20.1. (a) This section applies**
 36 **only to a large contribution that satisfies all of the following:**

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

40 **(2) The contribution is received:**
 41 **(A) not more than twenty-five (25) days before an**
 42 **election; and**
 43 **(B) not less than forty-eight (48) hours before an**
 44 **election.**

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

47 **(1) A primary election.**
 48 **(2) A general election.**
 49 **(3) A municipal election.**
 50 **(4) A special election.**
 51 **(5) For candidates nominated at a state convention, the state**

1 convention.

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

4 (d) The treasurer of a candidate's committee shall file a
5 supplemental large contribution report with the election division
6 or a county election board not later than forty-eight (48) hours
7 after the contribution is received. A report filed under this section
8 may be filed by facsimile (fax) transmission.

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

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

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

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

15 (4) The amount of the contribution.

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

18 (f) The commission shall prescribe the form for the report
19 required by this section.

20 SECTION 55. IC 3-10-1-5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Whenever
22 there is no contest in a political party for the nomination of a candidate
23 or candidates for an office, the party may hold a primary election for
24 that nomination. The appropriate election board shall certify the names
25 of the candidates for each nomination for which there is no contest as
26 though a primary election had been held. However, except as provided
27 in subsections (b) through (c), if there is a contest in any party for any
28 nomination, the name of each candidate of each party shall be placed
29 on the primary election ballot, whether or not the candidate is opposed.

30 (b) If the only contest in a political party is for the election of a
31 precinct committeeman or a delegate to the party's state convention, the
32 names of unopposed candidates for nomination are not required to be
33 placed on the primary election ballot **unless the appointed member
34 of the county election board affiliated with the political party files
35 a written request that these names be printed on the primary
36 election ballot.**

37 (c) The names of unopposed candidates for election as a precinct
38 committeeman or a delegate to a political party's state convention are
39 not required to be placed on the primary election ballot **unless the
40 appointed member of the county election board affiliated with the
41 political party files a written request that these names be printed
42 on the primary election ballot.**

43 (d) **If a party wants to conduct a primary under subsection (c),
44 the county chairman of the party must file a notice with the county
45 election board not later than noon seven (7) days after the final
46 date for filing a declaration of candidacy, stating that the party will
47 hold a primary.**

48 SECTION 56. IC 3-10-1-14 IS AMENDED TO READ AS
49 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) All the
50 candidates for each office who have qualified in the manner prescribed
51 by IC 3-8 for placement on the primary election ballot shall be grouped

1 together under the name of the office and printed in type with uniform
 2 capital letters, with uniform space between each name. At the head of
 3 each group where only one (1) candidate for each group is to be voted
 4 for, the words "vote for one (1) only" shall be printed. If more than one
 5 (1) candidate in a group is to be voted for, the number to be voted for
 6 shall be specified at the head of the group.

7 **(b) This subsection does not apply to a candidate for a political**
 8 **party office.** A candidate's given name and surname as set forth in the
 9 candidate's voter registration record shall be printed in full.

10 (c) In addition to the candidate's given name and surname, the
 11 candidate may use:

12 (1) initials; or

13 (2) a nickname by which the candidate is commonly known;
 14 if the candidate's choice of initials or nickname does not exceed twenty
 15 (20) characters. Any nickname used must appear in parentheses
 16 between the candidate's given name and the candidate's surname.

17 (d) A candidate may not use a designation such as a title or degree
 18 or a nickname that implies a title or degree.

19 (e) A candidate's name must be printed on the ballot exactly as the
 20 name appears on the candidate's certificate of nomination, petition of
 21 nomination, or declaration of candidacy.

22 SECTION 57. IC 3-10-1-17 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. Political parties
 24 may be distinguished in a primary election by the use of different color
 25 ballot labels. The party ~~device~~ for a political party that has been
 26 adopted in accordance with IC 3-8 and the party name or other
 27 designation shall be placed before the list of candidates of the party.

28 SECTION 58. IC 3-10-1-28.5, AS AMENDED BY HEA
 29 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 1999 (RETROACTIVE)]: Sec. 28.5. (a) ~~This section~~
 31 ~~does not apply to an optical scan ballot card voting system.~~

32 ~~(b) If a ballot card voting system is used in a precinct, after a voter~~
 33 ~~has marked a ballot card the voter shall place it inside the envelope~~
 34 ~~provided for this purpose and return it to the judge. who~~

35 **(b) The judge shall remove the stub from the ballot card. This**
 36 **subsection does not apply to an optical scan ballot card voting**
 37 **system.**

38 (c) The judge shall then offer to return the envelope with the ballot
 39 card inside to the voter. The voter shall:

40 (1) accept the envelope and deposit it with the ballot card inside
 41 into the ballot box; or

42 (2) decline the envelope and require the judge to deposit it in the
 43 ballot box.

44 (d) The voter then shall leave the polls.

45 SECTION 59. IC 3-10-1-33 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) The county
 47 election board shall also make an additional duplicate showing the
 48 votes cast for each candidate required to file a declaration of candidacy
 49 with the election division under IC 3-8-2. ~~or for whom a certificate of~~
 50 ~~nomination must be filed with the election division under IC 3-8-7.~~

51 **(b) The circuit court clerk shall, not later than noon on the**

1 Monday following the primary election, send to the election division by
 2 certified mail or hand deliver to the election division one (1) complete
 3 copy of all returns for these candidates.

4 SECTION 60. IC 3-10-1-34 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 34. The election
 6 division, not later than **noon**:

7 (1) **on** the second Wednesday following a primary election
 8 conducted in a year in which a general election will be held; **or**

9 (2) **seven (7) days after receipt of the final recount certificate**
 10 **transmitted under IC 3-12-6-31 or IC 3-12-11-18;**

11 **whichever occurs later**, shall canvass the votes cast for candidates
 12 required to file a declaration of candidacy with the election division
 13 under IC 3-8-2 and tabulate the result as provided in IC 3-12.

14 SECTION 61. IC 3-10-6-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **Except as**
 16 **otherwise provided in this section, all candidates for nomination to**
 17 **an office of the municipality by a major political party must be**
 18 **placed on a primary election ballot for the candidate's party.**

19 (b) **If no candidate has filed for the nomination of a party to**
 20 **any office of the municipality, the party may not hold a primary**
 21 **election in the municipality.**

22 (c) Whenever there is no contest in a political party for the
 23 nomination of a candidate or candidates for an office, **but at least one**
 24 **(1) candidate has filed for the nomination by that political party,**
 25 the party may hold a primary election for that nomination.

26 (d) **If a party wants to conduct a primary under subsection (c),**
 27 **the county chairman of the party must file a notice with the county**
 28 **election board not later than noon seven (7) days after the final**
 29 **date for filing a declaration of candidacy, stating that the party will**
 30 **hold a primary.**

31 ~~(b)~~ (e) The county election board of the county in which the
 32 greatest percentage of the population of the municipality is located
 33 shall certify the names of the candidates for each nomination for which
 34 there is no contest as though a primary election had been held.

35 ~~(c)~~ (f) If:

36 (1) there is a contest in a ~~precinct~~ **an election district**
 37 **comprising all or part of a municipality** in any party for a
 38 nomination for an office; or

39 (2) a party has decided to hold a primary election for an office
 40 under subsection ~~(a)~~; (c);

41 the name of each candidate of ~~each the political party for that office~~
 42 **within the election district** shall be placed on the primary election
 43 ballot for ~~that precinct~~; **the election district**, whether or not the
 44 candidate is opposed.

45 (g) **This subsection applies when:**

46 (1) **there is a contest for nomination by a major political**
 47 **party for at least one (1) of the municipality's legislative**
 48 **body members;**

49 (2) **only the voters who reside in a legislative body district**
 50 **are eligible to vote in the primary election for the political**
 51 **party's nomination of the legislative body member; and**

1 **(3) there is no contest for nomination to an office to be voted**
 2 **on by all voters of the political party of the municipality.**
 3 **The county election board may, by unanimous vote of the entire**
 4 **membership of the board, adopt a resolution providing that a**
 5 **primary election for the party will be held only in the legislative**
 6 **body election districts in which voters will nominate candidates**
 7 **under subdivision (2). The names of unopposed candidates for the**
 8 **party's nomination for an office to be voted on by all voters of the**
 9 **municipality may not be placed on the ballot used within the**
 10 **election districts for the nomination of candidates under this**
 11 **subsection.**

12 ~~(d)~~ **(h) If:**
 13 (1) there is no contest in a ~~precinct~~ **an election district** in any
 14 party for a nomination for an office; and
 15 (2) no party has decided to hold a primary election for any office
 16 under subsection ~~(a)~~; **(c);**
 17 a primary election may not be held for any municipal office in the
 18 ~~precinct.~~ **election district.**

19 SECTION 62. IC 3-10-6-12.5 IS ADDED TO THE INDIANA
 20 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 21 [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) This section applies**
 22 **to a candidate:**

23 **(1) of a political party that is not a major political party; and**
 24 **(2) nominated by a convention under section 12 of this**
 25 **chapter.**

26 **(b) A county election board may not include the name of a**
 27 **candidate on the municipal election ballot if the person files a**
 28 **notice to withdraw with the board. The notice must:**

29 **(1) be signed and acknowledged before an officer authorized**
 30 **to take acknowledgments of deeds;**
 31 **(2) have the certificate of acknowledgment appended to the**
 32 **notice; and**
 33 **(3) be filed with the board not later than noon three (3) days**
 34 **after the adjournment of the convention.**

35 SECTION 63. IC 3-10-11-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter:

37 **(1) applies to a general, municipal, primary, school district, and**
 38 **special election; and**
 39 **(2) is enacted to implement Article 2, Section 2(c) of the**
 40 **Constitution of the State of Indiana.**

41 SECTION 64. IC 3-10-12-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter:

43 **(1) prescribes the procedure for certain voters to cast ballots**
 44 **under 42 U.S.C. 1973gg-6(e)(2) in a precinct where the voter**
 45 **formerly resided; and**
 46 **(2) is enacted to implement Article 2, Section 2(c) of the**
 47 **Constitution of the State of Indiana.**

48 SECTION 65. IC 3-10-12-3 IS AMENDED TO READ AS
 49 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) This section
 50 applies to a voter who:

51 (1) changes residence from a precinct in a county to another

- 1 precinct:
- 2 (A) in the same county; and
- 3 (B) in the same congressional district;
- 4 as the former precinct; and
- 5 (2) does not notify the ~~circuit court clerk or board of county~~
6 **voter registration office** of the change of address before election
7 day.
- 8 (b) A voter described by subsection (a) may:
- 9 (1) correct the voter registration record; and
- 10 (2) vote in the precinct where the voter formerly resided;
- 11 if the voter makes an oral or a written affirmation as described in
12 section 4 of this chapter of the voter's current residence address.
13 However, a voter who moved outside of a municipality may not return
14 to the precinct where the voter formerly resided to vote in a municipal
15 election. **A voter who moved from a location outside a municipality**
16 **to a location within a municipality within thirty (30) days before a**
17 **municipal primary election, municipal election, or special election**
18 **held only within the municipality may not vote in the election in the**
19 **precinct of the person's former residence.**
- 20 (c) A person entitled to make a written affirmation under
21 subsection (b) may make an oral affirmation. The person must make
22 the oral affirmation before the poll clerks of the precinct. After the
23 person makes an oral affirmation under this subsection, the poll clerks
24 shall:
- 25 (1) reduce the substance of the affirmation to writing at an
26 appropriate location on the poll list; and
- 27 (2) initial the affirmation.
- 28 SECTION 66. IC 3-11-3-6, AS AMENDED BY HEA 1079-1999,
29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23,
30 1999, (RETROACTIVE)]: Sec. 6. The election division shall deliver
31 the state and presidential paper ballots by certified mail, or by another
32 means of delivery that includes a return receipt, to:
- 33 (1) each circuit court clerk; or
- 34 (2) in a county subject to IC 3-6-5.2, the ~~chief deputy director~~
35 of the ~~combined county election board and~~ board of **elections**
36 **and** registration.
- 37 SECTION 67. IC 3-11-4-3, AS AMENDED BY HEA 1079-1999,
38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23,
39 1999 (RETROACTIVE)]: Sec. 3. (a) Except as provided in subsection
40 (b) and sections 6 and 8 of this chapter, an application for an absentee
41 ballot must be received by the circuit court clerk (or, in a county
42 subject to IC 3-6-5.2, the ~~chief deputy director~~ of the ~~combined county~~
43 ~~election board and~~ board of **elections and** registration) not earlier than
44 ninety (90) days before election day nor later than the following:
- 45 (1) Noon on the day before election day if the voter completes
46 the application in the office of the circuit court clerk.
- 47 (2) Noon on the day before election day if:
- 48 (A) the application is a mailed or hand delivered application
49 from a confined voter or voter caring for a confined person;
50 and
- 51 (B) the applicant requests that the absentee ballots be

1 delivered to the applicant by an absentee voter board.
 2 (3) Midnight on the eighth day before election day if the
 3 application:
 4 (A) is a mailed application; or
 5 (B) was transmitted by a facsimile (FAX) machine;
 6 from other voters.

7 (b) This subsection applies to an absentee ballot application from
 8 a confined voter or voter caring for a confined person that is sent by
 9 facsimile (fax) transmission, mailed, or hand delivered to the circuit
 10 court clerk of a county having a consolidated city. An application
 11 subject to this subsection that is sent by facsimile (fax) transmission or
 12 hand delivered must be received by the circuit court clerk not earlier
 13 than ninety (90) days before election day nor later than 10 p.m. on the
 14 fifth day before election day. An application subject to this subsection
 15 that is mailed must be received by the circuit court clerk not earlier
 16 than ninety (90) days before election day and not later than 10 p.m. on
 17 the eighth day before election day.

18 SECTION 68. IC 3-11-7-2 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~The commission~~
 20 ~~shall adopt rules setting standards for the approval of ballot card voting~~
 21 ~~systems.~~ The commission may approve a **ballot card voting** system
 22 only if ~~it~~ **the commission** determines that the system

23 ~~(1) complies with the standards in the rules; and~~

24 ~~(2) meets the standards in this chapter and IC 3-11-15.~~

25 SECTION 69. IC 3-11-7-3.5 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 1999]: **Sec. 3.5. A ballot card printed for use**
 28 **under this article must have the year of the election to be**
 29 **conducted printed or stamped on the face of the ballot card.**

30 SECTION 70. IC 3-11-7-5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A ballot card
 32 voting system must be:

33 (1) suitably designed for the purpose used;

34 (2) of durable construction;

35 (3) safe, efficient, and accurate in the conduct of elections and
 36 counting of ballots; and

37 (4) in compliance with the standards for systems that are
 38 purchased after the effective date of the standards established ~~by~~
 39 ~~the commission under section 2 of this chapter and IC 3-11-15.~~

40 SECTION 71. IC 3-11-7-16 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. The
 42 commission may not approve the sale of a ballot card voting system by
 43 a vendor if the commission finds that the system fails to meet all
 44 statutory requirements. ~~and the standards adopted by the commission~~
 45 ~~under section 2 of this chapter.~~

46 SECTION 72. IC 3-11-7-17 IS AMENDED TO READ AS
 47 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The election
 48 division (or a competent person designated by the commission to act on
 49 behalf of the election division) may periodically examine a ballot card
 50 voting system that the commission has previously approved to
 51 determine if the system is still in compliance with all statutory

1 requirements. ~~and the standards adopted by the commission under~~
 2 ~~section 2 of this chapter.~~

3 (b) If the election division or competent person finds that a system
 4 examined under subsection (a) fails to meet all requirements and
 5 standards, and the commission concurs in these findings, the
 6 commission may, by unanimous vote of all of the members of the
 7 commission, rescind the commission's approval of the vendor.

8 (c) If the commission's approval is rescinded under subsection (b),
 9 the commission may, by unanimous vote of all of the members of the
 10 commission:

11 (1) recommend that use of the system be discontinued; and

12 (2) prohibit the system from being leased, marketed, or sold for
 13 use in Indiana in an election conducted under this title.

14 (d) This subsection applies to a ballot card voting system approved
 15 **for its initial certification** before:

16 (1) ~~the initial adoption of rules under section 2 of this chapter;~~
 17 **March 25, 1992; or**

18 (2) ~~a revision of the rules adopted under section 2 of this chapter;~~
 19 **IC 3-11-15 enacted after July 1, 1997, that imposes**
 20 **additional standards that did not apply to the voting system**
 21 **at the time of the system's initial certification.**

22 The commission may, by unanimous consent of its entire membership,
 23 require the voting system to be tested by an independent authority
 24 designated by the commission. The vendor shall pay any testing
 25 expenses under this subsection.

26 (e) If the independent testing authority determines that a voting
 27 system tested under subsection (d) does not comply with ~~the standards~~
 28 ~~adopted by the commission under section 2 of this chapter;~~ **article,** the
 29 commission may, by unanimous consent of its entire membership,
 30 prohibit the system from being leased, marketed, or sold for use in
 31 Indiana in an election conducted under this title.

32 (f) This subsection applies to a ballot card voting system that:

33 (1) the commission has recommended discontinuing under
 34 subsection (c); or

35 (2) an independent testing authority has determined under
 36 subsection (e) to be out of compliance with ~~the standards~~
 37 ~~adopted under section 2 of this chapter;~~ **article.**

38 Notwithstanding the recommendation under subsection (c) or the
 39 determination under subsection (e), a ballot card voting system may be
 40 used in a county until the circuit court clerk or the county election
 41 board of a county that uses the ballot card voting system files a request
 42 with the election division for an investigation of the ballot card voting
 43 system and the commission, by unanimous consent of its entire
 44 membership, makes a finding under subsection (g).

45 (g) The commission finding described under subsection (f) must
 46 satisfy both of the following:

47 (1) Be based on evidence of the ballot card voting system's use
 48 by a county election board.

49 (2) Contain the following determinations:

50 (A) The use of the voting system has resulted in a clear
 51 pattern of unreliable or erroneous casting or tabulation of

1 ballots.

2 (B) The continued use of the voting system would
3 undermine the public confidence in the accuracy and
4 integrity of Indiana's electoral system.

5 SECTION 73. IC 3-11-7.5-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~The commission~~
7 ~~shall adopt rules establishing standards for electronic voting systems~~
8 ~~purchased after the effective date of the standards.~~ The commission
9 may approve ~~a~~ **an electronic voting** system only if the system complies
10 with the

11 ~~(1)~~ requirements of this chapter and **IC 3-11-15.**

12 ~~(2) standards adopted by the commission.~~

13 SECTION 74. IC 3-11-7.5-4 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. If the
15 commission finds that an electronic voting system complies with this
16 ~~chapter, and the standards adopted by the commission under section 3~~
17 ~~of this chapter, article,~~ the commission may approve the system. The
18 approved system then may be adopted for use at an election.

19 SECTION 75. IC 3-11-7.5-5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A proposed
21 improvement or change to an electronic voting system shall be reported
22 to the election division by:

23 (1) the vendor, if a vendor is involved in the proposed change;
24 and

25 (2) the county election board, if a county is proposing the
26 change.

27 A proposed improvement or change may not be implemented before
28 the improvement or change is approved by the commission.

29 (b) A report of an improvement or change must be in the form
30 prescribed by the commission.

31 (c) The election division (or a competent person designated by the
32 commission to act on behalf of the election division) shall review the
33 improvement or change to the voting system and report the results of
34 the review to the commission. The commission shall determine within
35 a reasonable period of time whether the improvement or change
36 impairs the accuracy, efficiency, capacity, or ability to meet the
37 requirements of ~~this chapter or of the standards adopted by the~~
38 ~~commission under section 3 of this chapter, article.~~

39 (d) After the commission has examined and approved an
40 improvement or change to an electronic voting system, the
41 improvement or change may be implemented.

42 SECTION 76. IC 3-11-7.5-7 IS AMENDED TO READ AS
43 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The commission
44 may not approve an electronic voting system unless the system meets
45 ~~(1)~~ the specifications in sections 8 through 19 of this chapter and
46 **in IC 3-11-15.**

47 ~~(2) the standards adopted by the commission under section 3 of~~
48 ~~this chapter.~~

49 SECTION 77. IC 3-11-7.5-20 IS AMENDED TO READ AS
50 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. Section 7 of
51 this chapter does not prevent the approval of a new or improved type

1 of electronic voting system that renders unnecessary or obsolete one (1)
 2 or more of the specifications in sections 8 through 19 of this chapter **or**
 3 **IC 3-11-15.**

4 SECTION 78. IC 3-11-7.5-26 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) The election
 6 division (or a competent person designated by the commission to act on
 7 behalf of the election division) may periodically examine an electronic
 8 voting system that the commission has previously approved to
 9 determine if that system is still in compliance with all statutory
 10 requirements. ~~and the standards adopted by the commission under~~
 11 ~~section 3 of this chapter.~~

12 (b) If the election division or competent person finds that a system
 13 examined under subsection (a) fails to meet all requirements and
 14 standards, and the commission concurs in these findings, the
 15 commission may, by unanimous vote of all of the members of the
 16 commission, rescind the commission's approval of the vendor.

17 (c) If the commission's approval is rescinded under subsection (b),
 18 the commission may by unanimous vote of all of the members of the
 19 commission:

- 20 (1) recommend that use of the system be discontinued; and
- 21 (2) prohibit the system from being leased, marketed, or sold for
 22 use in Indiana in an election conducted under this title.

23 (d) This subsection applies to an electronic voting system
 24 approved **for its initial certification** before:

- 25 (1) ~~the initial adoption of rules under section 3 of this chapter;~~
 26 **March 25, 1992;** or
- 27 (2) ~~a revision of the rules adopted under section 3 of this chapter.~~
 28 **IC 3-11-15 enacted after July 1, 1997, that imposes**
 29 **additional standards that did not apply to the voting system**
 30 **at the time of the system's initial certification.**

31 The commission may, by unanimous consent of its entire membership,
 32 require the voting system to be tested by an independent authority
 33 designated by the commission. The vendor shall pay any testing
 34 expenses under this subsection.

35 (e) If the independent testing authority determines that a voting
 36 system tested under subsection (d) does not comply with ~~the standards~~
 37 ~~adopted by the commission under section 3 of this chapter;~~ **article,** the
 38 commission may, by unanimous consent of its entire membership,
 39 prohibit the system from being leased, marketed, or sold for use in
 40 Indiana in an election conducted under this title.

41 (f) This subsection applies to an electronic voting system that:

- 42 (1) the commission has recommended discontinuing under
 43 subsection ~~(b);~~ (c); or
- 44 (2) an independent testing authority has determined under
 45 subsection ~~(d)~~ (e) to be out of compliance with ~~the standards~~
 46 ~~adopted under section 3 of this chapter;~~ **article.**

47 Notwithstanding the recommendation under subsection ~~(b)~~ (c) or the
 48 determination under subsection ~~(d);~~ (e), an electronic voting system
 49 may be used in a county until the circuit court clerk or the county
 50 election board of a county that uses the electronic voting system files
 51 a request with the election division for an investigation of the

1 electronic voting system and the commission, by unanimous consent of
2 its entire membership, makes a finding under subsection (g).

3 (g) The commission finding described under subsection (f) must
4 satisfy both of the following:

5 (1) Be based on evidence of the electronic voting system's use by
6 a county election board.

7 (2) Contain the following determinations:

8 (A) The use of the voting system has resulted in a clear
9 pattern of unreliable or erroneous casting or tabulation of
10 ballots.

11 (B) The continued use of the voting system would
12 undermine the public confidence in the accuracy and
13 integrity of Indiana's electoral system.

14 SECTION 79. IC 3-11-13-6 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Before an
16 election at which a ballot card voting system is used, a county election
17 board shall:

18 (1) have the marking devices prepared for the election;

19 (2) have the marking devices put in order, set and adjusted, and
20 made ready for voting when delivered to the precincts; and

21 (3) provide the precinct election officers with marking devices,
22 a demonstration marking device (**except in precincts using**
23 **optical scan ballot cards**), ballot cards, ballot boxes, ballot
24 labels, and other records and supplies as required.

25 (b) While acting under subsection (a), the county election board
26 may restrict access to parts of the room where marking devices and
27 other election material are being handled to safeguard this material.

28 (c) Each county election board shall have each ballot card voting
29 system, along with all necessary furniture and appliances that go with
30 the system at the polls, delivered to the appropriate precinct not later
31 than 6 p.m. of the day before election day. The county executive shall
32 provide transportation for the systems if requested to do so by the
33 county election board.

34 SECTION 80. IC 3-11-13-18, AS AMENDED BY HEA
35 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JANUARY 1, 1999 (RETROACTIVE)]: Sec. 18. (a) This ~~section~~
37 **subsection** does not apply to an optical scan ballot card voting system.
38 ~~(b)~~ Each ballot card provided under section 17 of this chapter must
39 have two (2) attached perforated stubs on which is printed the same
40 serial number. The top stub shall be bound or stapled in the package of
41 ballot cards retained by the precinct election officers. The following
42 information must be printed on the second stub:

43 (1) The name of the political subdivision holding the election.

44 (2) The designation of the election.

45 (3) The date of the election.

46 (4) The instructions to the voters.

47 (5) In a primary election, the name of the political party.

48 ~~(c)~~ (b) The county election board in a county using a ballot card
49 voting system shall provide ballot cards to the precinct election board
50 that permit voters to cast write-in votes for each officer to be voted for
51 at that election.

1 ~~(d)~~ (c) The ballot cards provided under subsection (b) must be:

2 (1) designed to be folded; or

3 (2) accompanied by a secrecy envelope;

4 to ensure the secrecy of each of the votes cast by a voter.

5 ~~(e)~~ (d) A write-in vote shall be cast by printing the name of the
6 candidate and the title of the office in the space provided for write-in
7 votes on a ballot card or secrecy envelope.

8 SECTION 81. IC 3-11-13-22 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) At least
10 fourteen (14) days before election day, the **county election officer**
11 **board** of each county ~~in charge~~ **planning to use automatic tabulating**
12 **machines at the next election** shall have the automatic tabulating
13 machines tested to ascertain that the machines will correctly count the
14 votes cast **in all precincts** for all candidates and on all public
15 questions. **Not later than seven (7) days after conducting the test**
16 **under this subsection, the county election board shall certify to the**
17 **election division that the pretest has been conducted in conformity**
18 **with this subsection.**

19 (b) **At least seven (7) days before election day, a county**
20 **election board required to conduct a pretest under subsection (a)**
21 **shall conduct a public test under this subsection. The public test**
22 **conducted under this subsection consists of a sample of precincts**
23 **designated by the county election board. However, the sample must**
24 **include at least one (1) precinct in each election district in which**
25 **each candidate appears on the ballot.** Public notice of the time and
26 place ~~of the tests~~ shall be given at least forty-eight (48) hours before the
27 test. The notice shall be published once in accordance with IC 5-3-1-4.

28 SECTION 82. IC 3-11-13-23 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The two (2)
30 appointed members of the county election board shall observe the tests
31 required by section 22 of this chapter and certify the tests as meeting
32 the requirements of section 22 of this chapter.

33 (b) A copy of the certification **of the test conducted under**
34 **section 22(b) of this chapter** shall be transmitted to the election
35 division immediately, and another copy shall be filed with the election
36 returns.

37 (c) The tests must be open to representatives of political parties,
38 candidates, the media, and the public.

39 SECTION 83. IC 3-11-13-26 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) The ~~tests~~
41 **public test** required by section ~~22~~ **22(b)** of this chapter shall be
42 repeated and certified again in the same manner immediately before the
43 start of the official count of the ballot cards.

44 (b) The certification shall be filed with the election returns **but is**
45 **not required to be filed with the election division.**

46 (c) After the completion of the count, **the county election board**
47 **shall conduct a posttest using the same sample included in the**
48 **public test conducted under section 22(b) of this chapter. The**
49 **county election board shall certify the results of the posttest and**
50 **file the certification with the election returns. A copy of the posttest**
51 **certification is not required to be filed with the election division.**

1 **(d) After completion of the posttest**, the tested tabulating
 2 machines shall be sealed in the same manner as voting machines under
 3 IC 3-12-2.5-6. ~~and~~ The ballot cards and all other election materials
 4 shall be sealed, retained, and disposed of as provided for paper ballots.

5 SECTION 84. IC 3-11-13-27.5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.5. At the
 7 opening of the polls, after the organization of and in the presence of the
 8 precinct election board, the inspector shall:

9 (1) open the packages of ballot cards in a manner that preserves
 10 the seals intact;

11 (2) deliver ~~twenty-five (25)~~ **fifty (50)** of each of the state and
 12 local ballots to the poll clerk ~~of~~ **representing** the opposite
 13 political party; and

14 (3) deliver to the other poll clerk a device for marking the
 15 ballots.

16 SECTION 85. IC 3-11-13-28 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) This section
 18 does not apply to a ballot card voted by absentee ballot.

19 (b) The two (2) poll clerks of each precinct shall place their initials
 20 in ink on the back of each ballot card at the time the card is issued to
 21 a voter. The initials must be in the poll clerks' ordinary handwriting or
 22 printing and without a distinguishing mark of any kind.

23 **(c) Except as provided in IC 3-12-1-12**, a ballot card is not valid
 24 unless it is initialed by both poll clerks.

25 SECTION 86. IC 3-11-13-28.5, AS AMENDED BY HEA
 26 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 1999 (RETROACTIVE)]: Sec. 28.5. (a) ~~This section~~
 28 ~~does not apply to an optical scan ballot card voting system.~~

29 ~~(b)~~ Unless challenged, a voter may proceed to vote.

30 **(b) This subsection does not apply to an optical scan ballot**
 31 **card voting system.** After a voter has signed the poll list, the poll clerk
 32 holding the ballot card shall remove the top stub, as described in
 33 section 18 of this chapter, and deliver to the voter one (1) of each ballot
 34 card that the voter is entitled to vote at the election. The top stub (and
 35 any second stub declined by the voter under section 33 of this chapter)
 36 shall be retained by the precinct election board and returned to the
 37 election board following the close of the polls.

38 (c) As each successive voter calls for a ballot, the poll clerks shall
 39 deliver to the voter the first initialed ballot of each type. The inspector
 40 shall then deliver to the poll clerks another ballot of each type, which
 41 the clerks shall initial as before.

42 SECTION 87. IC 3-11-13-28.7 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.7. (a) The two
 44 (2) poll clerks of each precinct shall place their initials in ink on the
 45 secrecy envelope of a ballot card **(or on the fold-over part of a ballot**
 46 **card described in section 18(c)(1) of this chapter)** at the time the
 47 card is issued to a voter. The initials must be in the poll clerk's ordinary
 48 handwriting or printing and without a distinguishing mark of any kind.

49 (b) A write-in vote cast on a secrecy envelope **or fold-over**
 50 **envelope:**

51 (1) is not valid unless:

1 (A) the secrecy envelope is initialed by both poll clerks; and
 2 (B) the vote includes both the name of the write-in
 3 candidate and the office for which the write-in vote is cast;
 4 and

5 (2) makes the secrecy envelope **or fold-over envelope** a ballot
 6 for purposes of this title.

7 SECTION 88. IC 3-11-13-30 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. When a voter
 9 is handed a ballot card, the voter shall be instructed to:

10 (1) use only the marking device provided for punching, slotting,
 11 or marking the cards and that the voter is not to mark a card in
 12 any other way;

13 (2) be certain that the initials of the poll clerks appear on the
 14 voter's card and that if the initials are not on the card it will not
 15 be counted, **except as provided by IC 3-12-1-12;** and

16 (3) place the voter's card in an envelope ~~or other container~~ after
 17 the voter has voted or to fold the card in a manner so that no card
 18 is exposed upon which a choice is indicated.

19 SECTION 89. IC 3-11-13-31.7 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) After
 21 receiving ballot cards, a voter shall, without leaving the room, go alone
 22 into one (1) of the booths or compartments that is unoccupied and
 23 indicate:

24 (1) the candidates for whom the voter desires to vote by
 25 punching a hole in or marking the squares immediately **before**
 26 **beside** the candidates' names; and

27 (2) the voter's preference on each public question by punching
 28 a hole in or marking the square beside the word "yes" or "no"
 29 under the question.

30 (b) If an election is a general or municipal election and a voter
 31 desires to vote for all the candidates of one (1) political party or group
 32 of petitioners, the voter may punch a hole in or mark the circle
 33 enclosing the device and ~~before~~ **beside** the name under which the
 34 candidates of the party or group of petitioners are printed. The voter's
 35 vote shall then be counted for all the candidates under that name.
 36 However, if the voter punches a hole in or marks the circle of an
 37 independent ticket comprised of two (2) candidates, the vote shall not
 38 be counted for any other independent candidate on the ballot.

39 SECTION 90. IC 3-11-13-33, AS AMENDED BY HEA
 40 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 1999 (RETROACTIVE)]: Sec. 33. (a) ~~This section does~~
 42 ~~not apply to an optical scan ballot card voting system.~~

43 ~~(b)~~ After a voter has marked a ballot card, the voter shall place it
 44 inside the envelope provided for this purpose **or fold the envelope**
 45 **described in section 18(c)(1) of this chapter** and return the ballot card
 46 to the judge. ~~who~~

47 **(b) This subsection does not apply to an optical scan ballot**
 48 **card or to a ballot card with a fold-over envelope. The judge** shall
 49 remove the second stub, as described in section 18 of this chapter, from
 50 the envelope **and offer the second stub to the voter.**

51 **(c)** The judge shall ~~then~~ offer to return the envelope with the ballot

1 card inside ~~and the second stub~~ to the voter. ~~who~~ **The voter** shall:

2 (1) accept the envelope and deposit it in the ballot box; or

3 (2) decline the envelope and require the judge to deposit it in the
4 ballot box.

5 ~~(c)~~ **(d)** If a voter offers to vote a ballot card that is not inside the
6 envelope provided for this purpose **or with the envelope not folded if**
7 **the ballot is described in section 18(c)(1) of this chapter**, the
8 precinct election board shall direct the voter to return to the booth and
9 place the ballot card in the envelope provided for this purpose **or fold**
10 **the envelope**.

11 ~~(d)~~ **(e)** After a voter's ballot cards have been deposited in the ballot
12 box, the poll clerks shall make a voting mark after the voter's name on
13 the poll list.

14 ~~(e)~~ **(f)** After voting, a voter shall leave the polls. However, a voter
15 to whom ballot cards and a marking device have been delivered may
16 not leave the polls without voting the ballot cards or returning them to
17 the poll clerk from whom the voter received them.

18 SECTION 91. IC 3-11-13-35, AS AMENDED BY HEA
19 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JANUARY 1, 1999 (RETROACTIVE)]: Sec. 35. (a) ~~This section does~~
21 ~~not apply to an optical scan ballot card voting system~~.

22 ~~(b)~~ If a voter spoils or defaces a ballot card or marks it
23 erroneously, the voter shall return the card ~~with the stub folded~~ so as
24 not to disclose any choices that the voter has made.

25 **(b) This subsection does not apply to an optical scan ballot**
26 **card. A voter returning a ballot must comply with subsection (a) by**
27 **folding the stub on the ballot card.**

28 **(c) After complying with subsection (b)**, the voter then may
29 receive another ballot card. Upon receipt of a defective ballot card, the
30 precinct election board shall:

31 (1) immediately cancel the defective card by writing on the back
32 of the card and stub the word "VOID" in ink or in indelible
33 pencil; and

34 (2) without detaching ~~the any~~ **stub attached to the card**, place
35 the card in the container for voided ballots in a manner that does
36 not expose the choices of the voter.

37 SECTION 92. IC 3-11.5-4-22, AS AMENDED BY HEA
38 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 APRIL 23, 1999 (RETROACTIVE)]: Sec. 22. (a) **Except as provided**
40 **in subsection (b)**, each county election board shall appoint:

41 (1) absentee voter boards;

42 (2) teams of absentee ballot counters; and

43 (3) teams of couriers;

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

47 **(b) Notwithstanding subsection (a), a county election board**
48 **may appoint, by a unanimous vote of the board's members, only**
49 **one (1) absentee ballot courier if the person appointed is a voter of**
50 **the county.**

51 **(c)** A person is not eligible to serve on an absentee voter board or

1 as an absentee ballot counter or a courier if the person:

- 2 (1) is unable to read, write, and speak the English language;
 3 (2) has any property bet or wagered on the result of the election;
 4 (3) is a candidate to be voted for at the election, except as an
 5 unopposed candidate for precinct committeeman or state
 6 convention delegate; or
 7 (4) is the spouse, parent, father-in-law, mother-in-law, child,
 8 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 9 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, niece,
 10 or first cousin of a candidate or declared write-in candidate to be
 11 voted for at the election except as an unopposed candidate. This
 12 subdivision disqualifies a person whose relationship to the
 13 candidate is the result of birth, marriage, or adoption. This
 14 subdivision does not disqualify a person who is a spouse of a
 15 first cousin of the candidate.

16 SECTION 93. IC 3-12-5-9 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Upon receipt
 18 of the certified statements from the circuit court clerks under section 6
 19 of this chapter, the election division shall:

20 (1) ~~compare and estimate~~ **tabulate** the number of votes cast for
 21 each candidate for United States Senator and United States
 22 Representative; and

23 (2) prepare a certificate **of election** for the secretary of state to
 24 ~~certify~~ **transmit** to:

25 (A) the governor **for signature and certification to the**
 26 **secretary of the United States Senate, setting forth the**
 27 **name of** the candidate receiving the highest number of
 28 votes for ~~each the~~ **office of United States Senator, in the**
 29 **manner required by 2 U.S.C. 1; and**

30 (B) **the clerk of the United States House of**
 31 **Representatives, setting forth the name of each**
 32 **candidate receiving the highest number of votes for**
 33 **United States Representative, in the manner required by**
 34 **2 U.S.C. 26.**

35 (b) The secretary of state shall promptly execute the certificate
 36 prepared under subsection ~~(a)~~ **(a)(2)(A)** and ~~file~~ **transmit** the
 37 certificate ~~with to~~ the governor. **The governor shall promptly execute**
 38 **the certificate and transmit the certificate to the election division**
 39 **for attestation by the secretary of state and transmission to the**
 40 **secretary of the United States Senate.**

41 (c) **The secretary of state shall promptly execute the certificate**
 42 **prepared under subsection (a)(2)(B) and transmit the certificate to**
 43 **the clerk of the United States House of Representatives.**

44 SECTION 94. IC 3-12-5-10 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The ~~governor~~
 46 **election division** shall transmit to each candidate certified under
 47 section 9 of this chapter ~~a~~ **an original copy of the** certificate of
 48 election. The secretary of state shall seal and attest the certificate of
 49 election.

50 SECTION 95. IC 3-12-6-3 IS AMENDED TO READ AS
 51 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. Each petition filed

1 under section 2 of this chapter must state the following:

- 2 (1) The office for which the petitioner desires a recount.
- 3 (2) The precincts within the county in which the petitioner
- 4 desires a recount.
- 5 (3) That the petitioner is entitled to a recount under section 1 of
- 6 this chapter.
- 7 (4) That the nomination or office was voted upon in the precincts
- 8 specified.
- 9 (5) The name **of each candidate for the nomination or office**
- 10 **as set forth on the ballot for the election** and the address of
- 11 each candidate for nomination or election to the office **as set**
- 12 **forth in the records of the county election board or election**
- 13 **division.**
- 14 (6) That the petitioner in good faith believes that the votes cast
- 15 for nomination or election to the office at the election in the
- 16 precincts were not correctly counted and returned.
- 17 (7) That the petitioner desires a recount of all of the votes cast
- 18 for nomination or election to the office in the precincts specified.

19 SECTION 96. IC 3-12-6-7 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **Except as**
 21 **provided in subsection (b)**, the court in which a petition or
 22 cross-petition is filed may allow the petition or cross-petition to be
 23 amended at any time upon the terms and conditions that the court
 24 orders.

25 **(b) The court may not allow a petition or cross-petition to be**
 26 **amended following the deadline for filing a petition or**
 27 **cross-petition under this chapter if the petition or cross-petition as**
 28 **originally filed:**

- 29 (1) **failed to comply with this chapter; or**
- 30 (2) **was not filed before the deadline specified in this chapter.**

31 SECTION 97. IC 3-12-6-21 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) After a
 33 recount is ordered under section 14 of this chapter, the recount
 34 commission shall convene at a place fixed by order of the court. ~~and~~

35 **(b) Whenever a motion to dismiss a petition or cross-petition**
 36 **for a recount is filed with the court, the court shall rule on the**
 37 **motion to dismiss before the recount commission conducts the**
 38 **recount. The motion to dismiss must:**

- 39 (1) **state that the petitioner or cross-petitioner has failed to**
- 40 **comply with this chapter; and**
- 41 (2) **specifically identify the requirement that the petitioner or**
- 42 **cross-petitioner has failed to comply with.**

43 **(c) As the first item of business, the recount commission shall**
 44 **adopt procedures for conducting the recount, based as closely as is**
 45 **practical on the procedures adopted by the state recount**
 46 **commission. After adopting these procedures, the recount**
 47 **commission shall** expeditiously complete the recount of all votes
 48 ordered recounted.

49 ~~(b)~~ **(d)** The proceedings of the recount commission shall be
 50 performed in public under IC 5-14-1.5 (the Open Door Law). However,
 51 the commission may restrict access to parts of a room where the

1 recount is being conducted to safeguard the election material or to
 2 permit the material to be handled or transported by the commission.
 3 Each candidate affected by the recount may have a watcher present at
 4 the recount and may also be present in person. A watcher for a
 5 candidate under this subsection has the same rights as a watcher
 6 appointed under IC 3-6-8-4. Representatives of the media may also
 7 attend the recount and have the same rights as media watchers
 8 appointed under IC 3-6-10.

9 ~~(e)~~ (e) An order issued by the state recount commission under
 10 IC 3-12-10 supersedes an order issued by the recount commission
 11 appointed under this chapter to the extent that the orders conflict. The
 12 state recount commission shall assist a recount commission appointed
 13 under this chapter to the extent that the ability of the state recount
 14 commission to preserve the integrity of election records or equipment
 15 is not hindered.

16 ~~(f)~~ (f) During the period:

- 17 (1) beginning when a recount is ordered under section 14 of this
- 18 chapter; and
- 19 (2) ending when the recount commission certifies the recount
- 20 results under section 22 of this chapter;

21 the recount commission may petition the court that acquired
 22 jurisdiction over the recount under section 8 of this chapter to rule on
 23 questions raised by the recount commission.

24 SECTION 98. IC 3-12-6-21.9 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.9. (a) **A**
 26 **recount for nomination to an office conducted under this chapter**
 27 **shall be completed not later than the final Friday in June following**
 28 **the primary.**

29 (b) A recount for election to an office conducted under this
 30 chapter shall be completed not later than December 20 following the
 31 election.

32 SECTION 99. IC 3-12-8-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **This section**
 34 **does not apply to a challenge filed before an election to the**
 35 **eligibility of a candidate nominated by petition for election to an**
 36 **office. The challenge described by this section must be conducted**
 37 **in accordance with IC 3-8-1-2.**

38 (b) Any candidate for nomination or election to a local or school
 39 board office may contest the nomination or election of a candidate who
 40 is declared nominated or elected to the office.

41 ~~(c)~~ (c) If a candidate who is entitled to contest the nomination or
 42 election of a candidate under this chapter does not file a petition within
 43 the period established by section 5 of this chapter, the county chairman
 44 of a political party of which the candidate entitled to file a petition
 45 under this chapter was a member may file a petition to contest the
 46 nomination or election of a candidate. A county chairman is entitled to
 47 contest an election under this chapter only in a partisan race.

48 SECTION 100. IC 3-12-8-2 IS AMENDED TO READ AS
 49 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. An election may
 50 be contested under section 1 of this chapter if a petitioner alleges that
 51 one (1) of the following circumstances existed:

- 1 (1) The contestee was ineligible.
- 2 (2) A mistake occurred in the printing or distribution of ballots
- 3 used in the election that makes it impossible to determine which
- 4 candidate received the highest number of votes.
- 5 (3) A mistake occurred in the programming of a voting machine
- 6 or an electronic voting system, making it impossible to
- 7 determine the candidate who received the highest number of
- 8 votes.
- 9 (4) A voting machine or an electronic voting system
- 10 malfunctioned, making it impossible to determine the candidate
- 11 who received the highest number of votes.
- 12 **(5) A deliberate act or series of actions occurred making it**
- 13 **impossible to determine the candidate who received the**
- 14 **highest number of votes cast in the election.**

15 SECTION 101. IC 3-12-8-6 IS AMENDED TO READ AS

16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A petition

17 filed under section 5 of this chapter must state the following:

- 18 (1) That the petitioner desires to contest the nomination or
- 19 election to an office.
- 20 (2) The name **of each candidate as set forth on the ballot for**
- 21 **the election** and address of each candidate ~~at the election for the~~
- 22 ~~office involved:~~ **as set forth in the records of the county**
- 23 **election board or election division.**
- 24 (3) That the petitioner in good faith believes that **one (1) or**
- 25 **more of the following occurred:**
- 26 (A) The person declared nominated or elected does not
- 27 comply with a **specific** constitutional or statutory
- 28 requirement **set forth in the petition that is** applicable to
- 29 a candidate for the office.
- 30 (B) A mistake was made in the printing or distribution of
- 31 ballots **used in the election** that makes it impossible to
- 32 determine which candidate received the highest number of
- 33 votes cast in the election.
- 34 (C) A mistake occurred in the programming of a voting
- 35 machine or an electronic voting system, making it
- 36 impossible to determine the candidate who received the
- 37 highest number of votes. ~~or~~
- 38 (D) A voting machine or an electronic voting system
- 39 malfunctioned, making it impossible to determine the
- 40 candidate who received the highest number of votes.
- 41 **(E) A deliberate act or series of actions occurred making**
- 42 **it impossible to determine the candidate who received**
- 43 **the highest number of votes cast in the election.**
- 44 (b) A petition stating that the petitioner believes that it is
- 45 impossible to determine the candidate that received the highest number
- 46 of votes for one (1) of the reasons ~~set forth described~~ in subsection ~~(a)~~
- 47 ~~(a)(3)(B), (a)(3)(C), or (a)(3)(D)~~ must identify each precinct in which:
- 48 (1) ballots:
- 49 (A) containing the printing mistake; or
- 50 (B) distributed by mistake;
- 51 were cast;

- 1 (2) a mistake occurred in the programming of a voting machine
 2 or an electronic voting system; or
 3 (3) a voting machine or an electronic voting system
 4 malfunctioned.

5 **(c) A petition stating that the petitioner believes that an act or**
 6 **series of actions described in subsection (a)(3)(E) occurred must**
 7 **identify each precinct or other location in which the act or series**
 8 **of actions occurred to the extent known to the petitioner.**

9 SECTION 102. IC 3-12-8-6.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) Except as provided in**
 12 **subsection (b), the court in which a petition is filed may allow the**
 13 **petition or cross-petition to be amended at any time upon the terms**
 14 **and conditions that the court orders.**

15 **(b) The court may not allow a petition to be amended following**
 16 **the deadline for filing a petition under this chapter if the petition**
 17 **as originally filed:**

- 18 **(1) failed to comply with this chapter; or**
 19 **(2) was not filed before the deadline specified in this chapter.**

20 SECTION 103. IC 3-12-8-22 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) The costs**
 22 **of a contest may include the following:**

- 23 (1) Compensation of additional employees required to conduct
 24 the contest, including overtime payments to regular employees
 25 who are eligible to receive such payments.
 26 (2) Postage and telephone charges directly related to the contest.

27 **(b) The costs of a contest may not include the following:**

- 28 (1) General administrative costs.
 29 (2) Security.
 30 (3) Allowances for meals or lodging.

31 **(c) The costs of a contest shall be paid from the county general**
 32 **fund without appropriation.**

33 SECTION 104. IC 3-12-10-2.2 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. (a) The state recount**
 36 **fund is established for the purpose of receiving, holding, and**
 37 **disbursing funds as a fiduciary for the state recount commission**
 38 **and individuals who have provided a cash deposit under this**
 39 **article. The fund shall be administered by the administrative**
 40 **division of the office of the secretary of state.**

41 **(b) The expenses of administering the fund shall be paid from**
 42 **money in the fund.**

43 **(c) Money in the fund at the end of a state fiscal year does not**
 44 **revert to the state general fund.**

45 **(d) All money accruing to the fund is appropriated**
 46 **continuously for the purposes specified in subsection (a).**

47 SECTION 105. IC 3-12-10-8 IS AMENDED TO READ AS
 48 FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 8. The state board of**
 49 **accounts shall conduct any recount or other contest proceeding ordered**
 50 **by the state recount commission in accordance with this article and**
 51 **guidelines adopted by the commission.**

1 SECTION 106. IC 3-12-10-12 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The
 3 expenses of a recount ~~or contest~~ conducted by the state recount
 4 commission shall be paid from the state ~~general~~ **recount** fund
 5 **following the commission's determination of whether a full or**
 6 **partial refund of the cash deposit should be granted under**
 7 **IC 3-12-11-10.**

8 (b) **The expenses of a contest conducted by the state recount**
 9 **commission shall be paid from the state recount fund.**

10 (c) **A person (other than a party to a recount or contest) who**
 11 **claims reimbursement of expenses described by subsection (a) or**
 12 **(b) must submit a claim to the state recount commission not later**
 13 **than noon sixty (60) days after the commission adopts a final order**
 14 **concerning the recount or contest. If the commission approves the**
 15 **claim, the treasurer of state shall issue a warrant to the person in**
 16 **accordance with IC 5-13-5.**

17 (d) **There is appropriated to the state recount fund from the**
 18 **state general fund an amount sufficient for the state recount**
 19 **commission's use in the payment of expenses under this section.**

20 SECTION 107. IC 3-12-11-3 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) Each petition for
 22 a recount filed under section 2 of this chapter must state the following:

- 23 (1) The office for which the petitioner desires a recount.
- 24 (2) The precincts in which the petitioner desires a recount.
- 25 (3) That the individual is entitled to a recount under this chapter
 26 and that the nomination or election to office at issue was voted
 27 upon in the precincts specified.
- 28 (4) The name **of the candidates as set forth on the ballot for**
 29 **the election** and address of the candidates **as set forth in the**
 30 **records of the election division.**
- 31 (5) That the petitioner in good faith believes that the votes cast
 32 for nomination or election to the office at the election in the
 33 precincts were not correctly counted and returned.
- 34 (6) That the petitioner desires a recount of all of the votes cast
 35 for nomination or election to the office in the precincts specified.

36 (b) Each petition for a contest filed under section 2 of this chapter
 37 must state the following:

- 38 (1) The nomination or election to office that the petitioner
 39 contests.
- 40 (2) That the individual is entitled to contest an election or a
 41 nomination to office under this chapter.
- 42 (3) The name **of the candidates as set forth on the ballot for**
 43 **the election** and address of each of the candidates **as set forth**
 44 **in the records of the election division.**
- 45 (4) That the petitioner in good faith believes that **one (1) or**
 46 **more of the following occurred:**
 - 47 (A) The person declared nominated or elected does not
 48 comply with a **specific** constitutional or statutory
 49 requirement **set forth in the petition that is** applicable to
 50 a candidate for the office.
 - 51 (B) A mistake was made in the printing or distribution of

- 1 ballots **used in the election** that makes it impossible to
 2 determine which candidate received the highest number of
 3 votes cast in the election.
- 4 (C) A mistake occurred in the programming of a voting
 5 machine or an electronic voting system, making it
 6 impossible to determine the candidate who received the
 7 highest number of votes. ~~or~~
- 8 (D) A voting machine or an electronic voting system
 9 malfunctioned, making it impossible to determine the
 10 candidate who received the highest number of votes.
- 11 **(E) A deliberate act or series of actions occurred making**
 12 **it impossible to determine the candidate who received**
 13 **the highest number of votes cast in the election.**
- 14 (c) A petition stating that the petitioner believes that a mistake ~~in~~
 15 ~~the printing or distribution of ballots described in subsection~~
 16 **(b)(4)(B), (b)(4)(C), or (b)(4)(D)** has occurred must identify each
 17 precinct in which:
- 18 (1) ballots:
- 19 (A) containing the printing mistake; or
 20 (B) distributed by mistake;
- 21 were cast;
- 22 (2) a mistake occurred in the programming of a voting machine
 23 or an electronic voting system; or
 24 (3) a voting machine or an electronic voting system
 25 malfunctioned.
- 26 **(d) A petition stating that the petitioner believes that an act or**
 27 **series of actions described in subsection (b)(4)(E) occurred must**
 28 **identify each precinct or other location in which the act or series**
 29 **of actions occurred to the extent known to the petitioner.**
- 30 SECTION 108. IC 3-12-11-7 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. **(a) Except as**
 32 **provided in subsection (b) or (c),** the state recount commission may
 33 allow a petition or cross-petition to be amended at any time upon the
 34 terms and conditions that the state recount commission orders.
 35 However;
- 36 **(b) The commission may not allow a petition or cross-petition**
 37 **to be amended following the deadline for filing a petition or**
 38 **cross-petition under this chapter if the petition or cross-petition as**
 39 **originally filed:**
- 40 (1) failed to comply with section 3 or section 6 of this
 41 chapter; or
 42 (2) was not filed before the deadline specified in section 2 or
 43 section 4 of this chapter.
- 44 (c) The commission may not allow a candidate who filed a petition
 45 or cross-petition to amend the petition or cross-petition by striking a
 46 precinct in which the candidate had desired a recount unless each
 47 opposing candidate consents to the amendment.
- 48 SECTION 109. IC 3-12-11-10 IS AMENDED TO READ AS
 49 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each
 50 petitioner shall furnish a cash deposit for the payment of costs of the
 51 recount chargeable to the petitioner. The minimum amount of the cash

1 deposit is one hundred dollars (\$100). **The cash deposit shall be**
 2 **deposited in the state recount fund.**

3 (b) This subsection applies only to a recount of an election for
 4 nomination or election to either of the following:

5 (1) A legislative office in which, on the face of the election
 6 returns, the difference between the number of votes cast for the
 7 candidate nominated or elected and the petitioner is not more
 8 than one percent (1%).

9 (2) An office other than a legislative office in which, on the face
 10 of the election returns, the difference between the number of
 11 votes cast for the candidate nominated or elected and the
 12 petitioner is not more than one percent (1%).

13 If the number of precincts to be recounted exceeds ten (10), the amount
 14 of the deposit shall be increased by ten dollars (\$10) for each precinct
 15 in excess of ten (10).

16 (c) This subsection applies only to a recount of an election for
 17 nomination or election to either of the following:

18 (1) A legislative office in which, on the face of the election
 19 returns, the difference between the number of votes cast for the
 20 candidate nominated or elected and the petitioner is more than
 21 one percent (1%).

22 (2) An office other than a legislative office in which, on the face
 23 of the election returns, the difference between the number of
 24 votes cast for the candidate nominated or elected and the
 25 petitioner is more than one percent (1%).

26 If the number of precincts to be recounted exceeds ten (10), the amount
 27 of the deposit shall be increased by one hundred dollars (\$100) for each
 28 precinct in excess of ten (10).

29 (d) If after a recount, it is determined that a petitioner has been
 30 nominated or elected, the deposit furnished by that petitioner shall be
 31 returned to that petitioner in full.

32 (e) Any unexpended balance remaining in a deposit after payment
 33 of the costs of the recount shall be returned to the depositor in the
 34 following manner:

35 (1) If the recount results in a reduction of at least fifty percent
 36 (50%) but less than one hundred percent (100%) of the margin
 37 of the total certified votes, the petitioner shall receive a refund
 38 of that percentage of the unexpended balance.

39 (2) If after a recount, it is determined that a petitioner has been
 40 nominated or elected, the deposit or the bond furnished by that
 41 petitioner shall be returned to that petitioner in full.

42 (3) Any unexpended balance remaining after the provision of
 43 subdivision (1) has ~~have~~ been satisfied shall be deposited in the
 44 state ~~general~~ **recount** fund.

45 SECTION 110. IC 3-12-11-11 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section
 47 applies if a cross-petition is filed under this chapter.

48 (b) This subsection applies only to a recount of an election for
 49 nomination or election to either of the following:

50 (1) A legislative office in which, on the face of the election
 51 returns, the difference between the number of votes cast for the

1 cross-petitioner and the petitioner with the greatest number of
2 votes is not more than one percent (1%).

3 (2) An office other than a legislative office in which, on the face
4 of the election returns, the difference between the number of
5 votes cast for the cross-petitioner and the petitioner with the
6 greatest number of votes is not more than one percent (1%).

7 The cross-petitioner shall furnish a cash deposit equal to ten dollars
8 (\$10) multiplied by the number of precincts that the cross-petitioner
9 seeks to have recounted. **The cash deposit shall be deposited in the**
10 **state recount fund.**

11 (c) This subsection applies only to a recount of an election for
12 nomination or election to either of the following:

13 (1) A legislative office in which, on the face of the election
14 returns, the difference between the number of votes cast for the
15 cross-petitioner and the petitioner with the greatest number of
16 votes is more than one percent (1%).

17 (2) An office other than a legislative office in which, on the face
18 of the election returns, the difference between the number of
19 votes cast for the cross-petitioner and the petitioner with the
20 greatest number of votes is more than one percent (1%).

21 The cross-petitioner shall furnish a cash deposit equal to ten dollars
22 (\$10) multiplied by the number of precincts that the cross-petitioner
23 seeks to have recounted for the first ten (10) precincts recounted. For
24 each precinct in excess of ten (10) the cross-petitioner seeks to have
25 recounted, the cross-petitioner shall furnish an additional cash deposit
26 equal to one hundred dollars (\$100) multiplied by the number of
27 precincts in excess of ten (10) that the cross-petitioner seeks to have
28 recounted. **The cash deposit shall be deposited in the state recount**
29 **fund.**

30 (d) If after a recount, it is determined that the cross-petitioner has
31 been nominated or elected, the deposit furnished by the cross-petitioner
32 shall be returned to the cross-petitioner in full.

33 (e) Any unexpended balance remaining in a deposit after payment
34 of the costs of the recount shall be deposited in the state ~~general~~
35 **recount fund.**

36 SECTION 111. IC 3-12-11-12 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) **Except as**
38 **provided in subsection (d)**, the state recount commission shall grant
39 the petitions and cross-petitions that have been filed and order the
40 recount of the votes in the precincts upon:

41 (1) the filing of a petition and cash deposit or bond under this
42 chapter;

43 (2) the expiration of the period under section 4 of this chapter for
44 filing a cross-petition; and

45 (3) proof of service of all notices.

46 (b) **Except as provided in subsection (d)**, whenever a petition
47 filed under section 2 of this chapter requests a recount in all precincts
48 in the election district, the state recount commission may order a
49 recount in the precincts upon:

50 (1) the filing of a cash deposit or bond under this chapter; and

51 (2) proof of service of all notices.

1 (c) **Except as provided in subsection (d)**, the state recount
 2 commission shall grant a petition for a contest that has been filed and
 3 order a contest proceeding upon:

- 4 (1) the filing of a petition under this chapter; and
 5 (2) proof of service of all notices.

6 **(d) Whenever a motion to dismiss a petition or cross-petition**
 7 **for a recount or a petition for a contest is filed with the state**
 8 **recount commission or is made by a member of the commission,**
 9 **the commission shall rule on the motion to dismiss before ordering**
 10 **or continuing with a recount or a contest. The motion to dismiss**
 11 **must:**

- 12 (1) **state that the petitioner or cross-petitioner has failed to**
 13 **comply with this chapter; and**
 14 (2) **specifically identify the requirement that the petitioner or**
 15 **cross-petitioner has failed to comply with.**

16 SECTION 112. IC 3-12-12-5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each petition
 18 filed under section 2 of this chapter must be accompanied by a cash
 19 deposit or a bond with corporate surety to the approval of the court for
 20 the payment of all costs of the recount. The minimum amount of the
 21 cash deposit or bond is one hundred dollars (\$100). **A cash deposit for**
 22 **a recount conducted by a county recount commission shall be**
 23 **deposited in the county general fund. A cash deposit in a recount**
 24 **conducted by the state recount commission shall be deposited in the**
 25 **state recount fund.**

26 (b) This subsection applies to the recount of a public question to
 27 which either of the following applies:

- 28 (1) The public question is a local public question under
 29 IC 3-10-9 in which, on the face of the election returns, the
 30 difference between the number of affirmative and negative votes
 31 cast is not more than two hundred (200).
 32 (2) The public question is covered under section 23 of this
 33 chapter and, on the face of the election returns, the difference
 34 between the number of affirmative and negative votes cast is not
 35 more than two thousand (2,000).

36 If the number of precincts to be recounted exceeds ten (10), then the
 37 amount of the deposit shall be increased by ten dollars (\$10) for each
 38 precinct in excess of ten (10).

39 (c) This subsection applies to the recount of a public question to
 40 which either of the following applies:

- 41 (1) The public question is a local public question under
 42 IC 3-10-9 and, on the face of the election returns, the difference
 43 between the number of affirmative and negative votes cast is
 44 more than two hundred (200).
 45 (2) The public question is covered under section 23 of this
 46 chapter and, on the face of the election returns, the difference
 47 between the number of affirmative and negative votes cast is
 48 more than two thousand (2,000).

49 If the number of precincts to be recounted exceeds ten (10), the amount
 50 of the deposit shall be increased by one hundred dollars (\$100) for each
 51 precinct in excess of ten (10).

1 (d) If after a recount, it is determined that the result of the public
 2 question is other than what was shown on the face of the election
 3 returns, the deposit furnished by the petitioner shall be returned to the
 4 petitioner in full.

5 (e) Any unexpended balance remaining in a deposit after payment
 6 of all costs of the recount ~~shall be deposited~~ **remains** in the county
 7 general fund.

8 **(f) This subsection applies to a recount conducted by the state**
 9 **recount commission under this chapter. Any unexpended balance**
 10 **remaining in a deposit after payment of all costs of the recount**
 11 **remains in the state recount fund.**

12 SECTION 113. IC 3-13-1-7 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) Except as
 14 provided in subsection ~~(b)~~; **(c)**, action to fill a candidate vacancy ~~under~~
 15 ~~section 3, 4, 5 or 6 of this chapter for an office for which a~~
 16 **declaration of candidacy must be filed with the secretary of state**
 17 **under IC 3-8-2-5** must be taken:

18 (1) before noon ~~August 1~~; **thirty-five (35) days after the**
 19 **primary election** if the vacancy exists on a general ~~or municipal~~
 20 election ballot; and

21 (2) within thirty (30) days after the occurrence of the vacancy, if
 22 the vacancy exists on a special election ballot, subject to section
 23 2 of this chapter.

24 **(b) Except as provided in subsection (c), action to fill a**
 25 **candidate vacancy not described in subsection (a), must be taken:**

26 **(1) before noon August 1, if the vacancy exists on a general**
 27 **or municipal election ballot; and**

28 **(2) within thirty (30) days after the occurrence of the**
 29 **vacancy, if the vacancy exists on a special election ballot,**
 30 **subject to section 2 of this chapter.**

31 ~~(b)~~ (c) This subsection applies to a candidate vacancy that exists
 32 due to:

33 (1) the death of a candidate;

34 (2) the withdrawal of a candidate; ~~who has moved from the~~
 35 ~~election district;~~

36 (3) the disqualification of a candidate under IC 3-8-1-5; or

37 (4) a court order issued under IC 3-8-7-29(d);

38 before the thirtieth day before a general, municipal, or special election.
 39 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this
 40 chapter **for reasons permitted under this subsection** must be taken
 41 within thirty (30) days after the occurrence of the vacancy.

42 SECTION 114. IC 3-13-1-10, AS AMENDED BY HEA
 43 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 APRIL 23, 1999 (RETROACTIVE)]: Sec. 10. (a) To be eligible to
 45 participate in a caucus called under section 7 of this chapter, an elected
 46 precinct committeeman or vice committeeman must be entitled to vote
 47 for the office for which a candidate is to be selected. An elected
 48 precinct committeeman is eligible to participate in a caucus called
 49 under this chapter, regardless of when the ballot vacancy occurred. The
 50 vice committeeman of an elected precinct committeeman is eligible to
 51 participate in a caucus called under this chapter, **regardless of when**

1 **the ballot vacancy occurred.**

2 (b) An appointed precinct committeeman ~~and the vice~~
3 ~~committeeman of an appointed precinct committeeman~~ are is eligible
4 to participate in a caucus called under section 7 of this chapter if the
5 precinct committeeman was a committeeman thirty (30) days before
6 the vacancy occurred. **The vice committeeman of an appointed**
7 **precinct committeeman is eligible to participate in a caucus called**
8 **under section 7 of this chapter if the vice committeeman was a vice**
9 **committeeman thirty (30) days before the vacancy occurred.**

10 SECTION 115. IC 3-13-5-4, AS AMENDED BY HEA 1079-1999,
11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23,
12 1999 (RETROACTIVE)]: Sec. 4. (a) To be eligible to participate in a
13 caucus called under this chapter, an elected precinct committeeman
14 must be entitled to vote for the legislative office for which a successor
15 is to be selected. An elected precinct committeeman is eligible to
16 participate in a caucus called under this chapter, regardless of when the
17 vacancy in the legislative office occurred. The vice committeeman of
18 an elected precinct committeeman is eligible to participate in a caucus
19 called under this chapter, **regardless of when the vacancy in the**
20 **legislative office occurred.**

21 (b) An appointed precinct committeeman ~~and the vice~~
22 ~~committeeman of an appointed precinct committeeman~~ are is eligible
23 to participate in a caucus called under this chapter if the precinct
24 committeeman was a committeeman thirty (30) days before the
25 vacancy occurred. **The vice committeeman of an appointed precinct**
26 **committeeman is eligible to participate in a caucus called under**
27 **this chapter if the vice committeeman was a vice committeeman**
28 **thirty (30) days before the vacancy occurred.**

29 (c) An individual eligible to participate in a caucus held under this
30 chapter has one (1) vote.

31 SECTION 116. IC 3-13-11-5, AS AMENDED BY HEA
32 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 APRIL 23, 1999 (RETROACTIVE)]: Sec. 5. (a) To be eligible to be a
34 member of a caucus under this chapter, a precinct committeeman or
35 vice committeeman must satisfy the following:

36 (1) Be a member of the same political party that elected or
37 selected the person who vacated the office to be filled.

38 (2) Be the precinct committeeman or vice committeeman of a
39 precinct in which voters were eligible to vote for the person who
40 vacated the office to be filled at the last election conducted or
41 permitted for the office.

42 (3) Satisfy the other requirements of this section.

43 An elected precinct committeeman is eligible to participate in a caucus
44 called under this chapter, regardless of when the vacancy in the office
45 occurred. The vice committeeman of an elected precinct committeeman
46 is eligible to participate in a caucus called under this chapter,
47 **regardless of when the vacancy in the office occurred.**

48 (b) An appointed precinct committeeman ~~and the vice~~
49 ~~committeeman of an appointed precinct committeeman~~ are is eligible
50 to participate in a caucus called under this chapter if the precinct
51 committeeman was a precinct committeeman thirty (30) days before

1 ~~the date~~ the vacancy occurred. **The vice committeeman of an**
 2 **appointed precinct committeeman is eligible to participate in a**
 3 **caucus called under this chapter if the vice committeeman was a**
 4 **vice committeeman thirty (30) days before the vacancy occurred.**

5 (c) If fewer than two (2) persons are eligible to be members of a
 6 caucus under this section, the county chairman entitled to give notice
 7 of a caucus under section 3 of this chapter shall fill the vacancy, no
 8 later than thirty (30) days after the vacancy occurs. A chairman acting
 9 under this subsection is not required to conduct a caucus.

10 (d) If the vacancy to be filled under this chapter resulted from the
 11 death of a person holding a local office who also served as a precinct
 12 committeeman, the vice committeeman for that precinct is eligible to
 13 participate in the caucus.

14 SECTION 117. IC 3-14-1-6 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A state police
 16 department employee or a police officer or firefighter (including a
 17 special duty, auxiliary, or volunteer police officer or firefighter) of a
 18 political subdivision who recklessly:

- 19 (1) solicits votes or campaign funds;
- 20 (2) challenges voters; or
- 21 (3) performs any other election related function;

22 while wearing any identifying insignia or article of clothing that is part
 23 of an official uniform or while on duty commits a Class A
 24 misdemeanor.

25 (b) This section does not prohibit **any of the following:**

- 26 (1) A state police department civilian employee from voting
 27 while on duty.
- 28 (2) A police officer or firefighter from voting while wearing any
 29 part of an official uniform or while on duty.
- 30 (3) An individual described in subsection (a) from consenting to
 31 a photograph (or other visual depiction) of the individual
 32 wearing any part of the individual's official uniform appearing in
 33 an advertisement in support of a candidate or political party. ~~or~~
- 34 (4) An individual from serving as a pollbook holder under
 35 IC 3-6-6-36.

36 **(5) A police officer wearing any identifying insignia or article**
 37 **of clothing that is part of an official uniform or while on duty**
 38 **from serving as an absentee ballot courier appointed under**
 39 **IC 3-11.5-4-22.**

40 SECTION 118. IC 3-14-3-18 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. (a) **As used in this**
 42 **section, "candidate" includes an individual whom the person**
 43 **knows is considering becoming a candidate.**

44 (b) A person who, for the purpose of influencing a voter **or**
 45 **candidate:**

- 46 (1) seeks to enforce the payment of a debt by force or threat of
 47 force;
- 48 (2) ejects or threatens to eject the voter **or candidate** from a
 49 house the voter **or candidate** occupies;
- 50 (3) begins a criminal prosecution; or
- 51 (4) damages the business or trade of the voter **or candidate;**

1 commits a Class D felony.

2 SECTION 119. IC 5-4-1-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
4 Sec. 1. (a) **Except as provided in subsection (c)**, every officer and
5 every deputy, before entering on the officer's or deputy's official duties,
6 shall take an oath to support the Constitution of the United States and
7 the Constitution of the State of Indiana, and that the officer or deputy
8 will faithfully discharge the duties of such office.

9 (b) A prosecuting attorney and a deputy prosecuting attorney shall
10 take the oath required under subsection (a) before taking office.

11 (c) **This subsection applies to a deputy of a political**
12 **subdivision. An individual appointed as a deputy is considered an**
13 **employee of the political subdivision performing ministerial**
14 **functions on behalf of an officer and is not required to take the**
15 **oath prescribed by subsection (a). However, if a chief deputy**
16 **assumes the duties of an office during a vacancy under**
17 **IC 3-13-11-12, the chief deputy must take the oath required under**
18 **subsection (a) before entering on the official duties of the office.**

19 SECTION 120. IC 5-4-1-1.2 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. (a) **This**
21 **section does not apply to an individual appointed or elected to an**
22 **office the establishment or qualifications of which are expressly**
23 **provided for in the Constitution of the State of Indiana or the**
24 **Constitution of the United States.**

25 (b) ~~If the township assessor or any city~~ **an officer of a political**
26 **subdivision** does not take and file the oath **required under section 1**
27 **of this chapter** within ~~ten (10)~~ **thirty (30)** days after the beginning of
28 ~~his~~ **the officer's** term, the office becomes vacant.

29 SECTION 121. IC 5-4-1-2 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE DECEMBER 1, 1998 (RETROACTIVE)]:
31 Sec. 2. (a) The oath required by section 1 of this chapter, except in the
32 case of a notary public or in those cases specified in section 3 of this
33 chapter, shall be endorsed on or attached to the:

34 (1) commission;
35 (2) certificate if a certificate was issued under IC 3-10-7-34,
36 IC 3-12-4, or IC 3-12-5; or
37 (3) certificate of appointment pro tempore under IC 3-13-11-11;
38 signed by the person taking the oath, and certified to by the officer
39 before whom ~~it~~ **the oath** was taken, who shall also deliver to the person
40 taking the oath a copy of the oath.

41 (b) **A copy of** the oath of office of a prosecuting attorney shall be:
42 (1) recorded on the bond required by section 20 of this chapter;
43 ~~and on or~~
44 (2) **attached to** the commission of the prosecuting attorney.

45 SECTION 122. IC 5-4-1-4 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **As used in**
47 **this section, "political subdivision" has the meaning set forth in**
48 **IC 36-1-2-13.**

49 (b) The copy of the oath under section 2 of this chapter shall be
50 deposited by the person as follows:

51 (1) Of all officers whose oath is endorsed on **or attached to** the

1 commission and whose duties are not limited to a particular
2 county **or of a justice, judge, or prosecuting attorney**, in the
3 office of the secretary of state.

4 (2) Of ~~county~~ **the circuit court clerk**, officers of a **political**
5 **subdivision or school corporation**, and constables of a small
6 claims court, in the circuit court clerk's office of the county
7 **containing the greatest percentage of the population of the**
8 **political subdivision or school corporation.**

9 (3) ~~Of county council members; officers appointed by the board~~
10 ~~of county commissioners; and township officers that the board~~
11 ~~may require to do so; with the county auditor.~~

12 (4) ~~Of township board members; with the township trustee.~~

13 (5) ~~Of city officers; in the office of the clerk of the city-county~~
14 ~~council; city clerk; or city clerk-treasurer.~~

15 (6) ~~Of deputies of the surveyor; in a book kept by the surveyor~~
16 ~~for this purpose.~~

17 (7) ~~Of town officers; in the office of the town clerk-treasurer.~~

18 (8) ~~Of a justice, judge, or prosecuting attorney; in the office of~~
19 ~~the secretary of state.~~

20 (9) ~~Of a deputy prosecuting attorney; in the office of the clerk of~~
21 ~~the circuit court of the county in which the deputy prosecuting~~
22 ~~attorney resides or serves.~~

23 (10) ~~Of a school board member; in the circuit court clerk's office~~
24 ~~of the county containing the greatest percentage of population of~~
25 ~~the school corporation.~~

26 SECTION 123. IC 5-6-1-2 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **This section**
28 **does not apply to the deputy of a circuit court clerk.**

29 (b) ~~Such~~ Deputies shall take the oath required of their principals,
30 and may perform all the official duties of such principals, being subject
31 to the same regulations and penalties.

32 SECTION 124. IC 5-6-4 IS ADDED TO THE INDIANA CODE
33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]:

35 Chapter 4. Deputies of Local Officers

36 Sec. 1. **This chapter applies to a deputy of an officer of a**
37 **political subdivision or a judicial circuit.**

38 Sec. 2. **The definitions in IC 36-1-2 apply throughout this**
39 **chapter.**

40 Sec. 3. **For purposes of Article 2, Section 9 of the Constitution**
41 **of the State of Indiana, the position of appointed deputy of an**
42 **officer of a political subdivision or a judicial circuit is not a**
43 **lucrative office.**

44 SECTION 125. IC 20-4-3-2 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) **As used in this**
46 **section, "county election board" includes a board of elections and**
47 **registration under IC 3-6-5.2.**

48 (b) The board of school trustees shall be elected on a general ticket
49 for a term of four (4) years by the voters of any such school city. A
50 voter may vote in such primary election for school trustees without
51 otherwise voting and without declaring party preference. ~~An individual~~

1 is not eligible for the office of school trustee for more than three (3)
 2 terms out of four (4) consecutive terms. A term, or any part of a term,
 3 filled as a result of a vacancy upon such board of school trustees is
 4 within the provisions of this limitation. The members of such board
 5 shall be elected at the time of the primary elections as provided in
 6 section 1 of this chapter and shall be taken from the city at large
 7 without reference to district. Such election shall be held under
 8 IC 3-10-1, insofar as it is not inconsistent with ~~the provisions of this~~
 9 chapter.

10 ~~(b)~~ (c) At the time provided by law for the filing of declaration of
 11 candidacy for the primary election in which members of the board of
 12 school trustees are to be elected as provided for in this chapter, legal
 13 voters of such city may present names of candidates for election as
 14 members of the board of school trustees to the county election board in
 15 each county in which is situated a school city ~~within the contemplation~~
 16 ~~of subject to~~ this chapter as follows:

17 (1) Each candidate shall be proposed in a petition in writing
 18 signed by not fewer than two hundred (200) legal voters of such
 19 school city.

20 (2) Not more than one (1) candidate may be named in any one
 21 (1) petition.

22 (3) No legal voter may sign petitions for a greater number of
 23 candidates than the number of school trustees to be elected in the
 24 primary election concerned.

25 ~~(c)~~ (d) Upon the presentation of such petition to the county
 26 election board, the board shall publish the names proposed in
 27 accordance with IC 5-3-1 and shall certify such nominations in the
 28 manner as required by law. Such election shall be conducted in
 29 accordance with IC 3.

30 ~~(d)~~ (e) The county election board shall prepare the ballot for the
 31 primary election at which school trustees are to be elected as provided
 32 in this section so that the names of the candidates nominated for the
 33 office of school trustee appear on the ballot in alphabetical order,
 34 without party designation and in the form prescribed by IC 3-10-1-19.
 35 The name of any candidate shall not be published and placed on the
 36 ballot by the county election board if it ~~shall appear that~~ the candidate
 37 is ineligible for membership on the board of school trustees under ~~the~~
 38 ~~provisions of~~ this chapter. Each voter may vote for as many candidates
 39 as there are school trustees to be elected.

40 SECTION 126. IC 33-2.1-8-1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) As used in this
 42 chapter, "cause" means a trial, hearing, arraignment, controversy,
 43 appeal, case, or any business performed within the official duty of a
 44 justice, judge, or prosecuting attorney.

45 (b) As used in this chapter, "compensation" means any money,
 46 thing of value, or economic benefit conferred on, or received by, any
 47 person in return for services rendered, or for services to be rendered,
 48 whether by that person or another.

49 (c) As used in this chapter, "economic interest" means substantial
 50 financial interest in investments, employment, awarding of contracts,
 51 purchases, leases, sales, or similar matters.

1 (d) As used in this chapter, "employer" means any person from
2 whom the judge, justice, or prosecuting attorney or that person's spouse
3 receives any nonstate income.

4 (e) As used in this chapter, "information of a confidential nature"
5 means information obtained by reason of the position or office held and
6 which information has not been, or will not be, communicated to the
7 general public.

8 (f) As used in this chapter, "person" means any individual,
9 proprietorship, partnership, unincorporated association, trust, business
10 trust, group, limited liability company, or corporation, whether or not
11 operated for profit, or a governmental agency or political subdivision.

12 (g) As used in this chapter, "judge" means a judge of the court of
13 appeals or the tax court, or of a circuit, superior, ~~municipal~~, county,
14 **small claims**, or probate court. A judge pro tempore, commissioner, or
15 hearing officer shall be considered a judge if that person shall sit more
16 than twenty (20) days other than Saturdays, Sundays, or holidays in one
17 (1) calendar year as judge, commissioner, or hearing officer in any
18 court.

19 SECTION 127. IC 33-2.1-8-7 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The statement of
21 economic interests must be filed with the commission:

22 (1) ~~no~~ **not** later than February 1 ~~and if the individual is~~
23 **required to file the statement as an officeholder; or**

24 (2) **if a candidate for office**, before ~~filing~~: **the individual (or a**
25 **political party officer acting on behalf of the individual) files:**

26 (A) a declaration of candidacy, if required under IC 3-8-2 or
27 IC 3-8-4-11;

28 (B) a **certified** petition of nomination **with the Indiana**
29 **election division** under IC 3-8-6;

30 (C) **a certificate of nomination under IC 3-8-7-8;**

31 ~~(D)~~ (D) a certificate of candidate selection under IC 3-13-1
32 or IC 3-13-2; or

33 ~~(E)~~ (E) a declaration of intent to be a write-in candidate, if
34 required under IC 3-8-2.

35 (b) In a county where judges are selected by a county commission
36 on judicial qualifications, a candidate must file a statement with the
37 county commission and also with the commission on judicial
38 qualifications.

39 SECTION 128. IC 33-5-5.1-29 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) The Allen
41 County superior court consists of nine (9) judges. Two (2) judges serve
42 in the family relations division, three (3) judges serve in the criminal
43 division, and four (4) judges serve in the civil division. Each newly
44 elected or appointed judge assumes the division assignment of the
45 judge whom the judge replaces.

46 (b) If, at any time, in the opinion of a majority of the judges, there
47 is an undue disparity in the number of cases in any division, the chief
48 judge may assign specific cases normally assigned to that division to
49 a judge in another division as a majority of the judges direct.

50 (c) During the period under IC 3-8-2-4 in which a declaration of
51 candidacy may be filed for a primary election, any person desiring to

1 become a candidate for one (1) of the Allen superior court judgeships
 2 must file with the election division a declaration of candidacy adapted
 3 from the form prescribed under IC 3-8-2 that:

- 4 (1) is signed by the candidate; and
- 5 (2) designates the division and the name of the incumbent judge
 6 of the judgeship that the candidate seeks.

7 (d) A petition without the designation required under subsection
 8 (c) shall be rejected by the election division (or by the Indiana election
 9 commission under IC 3-8-1-2).

10 **(e) If an individual who files a declaration under subsection (c)**
 11 **ceases to be a candidate after the final date for filing a declaration**
 12 **under subsection (c), the election division may accept the filing of**
 13 **additional declarations of candidacy for that seat not later than**
 14 **noon August 1.**

15 SECTION 129. IC 33-5-43.2-1 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The judge of
 17 the Vanderburgh circuit court and each of the seven (7) judges of the
 18 Vanderburgh superior court shall be elected in nonpartisan elections
 19 every six (6) years.

20 (b) During the period under IC 3-8-2-4 in which a declaration of
 21 candidacy may be filed for a primary election, any person desiring to
 22 become a candidate for any one of the eight (8) judgeships affected by
 23 this chapter shall file with the election division a declaration of
 24 candidacy adapted from the form prescribed under IC 3-8-2, signed by
 25 the candidate and designating on the declaration which judgeship the
 26 candidate seeks. Any petition without such designation shall be
 27 rejected by the election division (or by the Indiana election commission
 28 under IC 3-8-1-2). To be eligible for election, a candidate must be:

- 29 (1) domiciled in the county of Vanderburgh;
- 30 (2) a citizen of the United States; and
- 31 (3) admitted to the practice of law in this state.

32 **(c) If an individual who files a declaration under subsection (b)**
 33 **ceases to be a candidate after the final date for filing a declaration**
 34 **under subsection (b), the election division may accept the filing of**
 35 **additional declarations of candidacy for that judgeship not later**
 36 **than noon August 1.**

37 ~~(d)~~ (d) All candidates for each respective judgeship shall be listed
 38 on the general election ballot in the form prescribed by IC 3-11-2,
 39 without party designation. The candidate receiving the highest number
 40 of votes for each judgeship shall be elected to that office.

41 ~~(e)~~ (e) IC 3, where not inconsistent with the provisions of this
 42 chapter, applies to elections under this chapter.

43 SECTION 130. IC 33-16-4-1 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~(a)~~ The
 45 following are authorized to **subscribe and** administer oaths and take
 46 acknowledgments ~~generally, of all documents whatsoever,~~ pertaining
 47 to all matters where an oath is required:

- 48 (1) Notaries public.
- 49 (2) Justices and judges of courts, in their respective jurisdictions.
- 50 (3) The secretary of state of Indiana.
- 51 (4) **The clerk of the supreme court.**

- 1 (5) Mayors, clerks, ~~and~~ clerk-treasurers of towns and cities, **and**
 2 **township trustees**, in their respective towns, ~~and~~ cities, **and**
 3 **townships**.
- 4 (6) Clerks of circuit courts and master commissioners, in their
 5 respective counties.
- 6 ~~(6)~~ (7) Judges of United States district courts of Indiana, in their
 7 respective jurisdictions.
- 8 ~~(7)~~ (8) United States commissioners appointed for any United
 9 States district court of Indiana, in their respective jurisdictions.
- 10 ~~(8)~~ (9) A precinct election officer (as defined in IC 3-5-2-40.1)
 11 and an absentee voter board member appointed under
 12 IC 3-11-10, for any purpose authorized under IC 3.
- 13 ~~(9)~~ (10) A member of the Indiana election commission, a
 14 co-director of the election division, or an employee of the
 15 election division under IC 3-6-4.2.
- 16 ~~(10)~~ (11) County auditors, in their respective counties.
- 17 ~~(b)~~ (12) Any member of the general assembly ~~shall have full~~
 18 ~~power and authority to subscribe and administer oaths and take~~
 19 ~~acknowledgments of all documents whatsoever~~ anywhere in
 20 Indiana.

21 SECTION 131. IC 36-1-6-10 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) This section
 23 applies to an ordinance adopted by a unit to establish executive, fiscal,
 24 or legislative body election districts within the unit.

25 (b) Except as otherwise provided in the ordinance, the ordinance
 26 takes effect immediately upon passage. However, a previously adopted
 27 ordinance establishing election districts remains in effect for the
 28 purpose of filling a vacancy in the executive, fiscal, or legislative body
 29 until the expiration of the term of that office.

30 (c) **A reference in the ordinance to the boundary of a political**
 31 **subdivision, a precinct boundary, or an election district boundary**
 32 **refers to the precinct or boundary as the precinct or boundary**
 33 **existed on the date of adoption of the ordinance. A change in the**
 34 **boundary of a political subdivision, precinct, or election district**
 35 **following the date of adoption of the ordinance does not alter the**
 36 **boundaries of the election districts established by the ordinance.**

37 SECTION 132. IC 3-5-2-32.5 IS REPEALED [EFFECTIVE JULY
 38 1, 1997 (RETROACTIVE)].

39 SECTION 133. THE FOLLOWING ARE REPEALED
 40 [EFFECTIVE NOVEMBER 3, 1998 (RETROACTIVE)]: IC 4-5-1-10;
 41 IC 4-7-1-17; IC 4-8.1-2-15.

42 SECTION 134. THE FOLLOWING ARE REPEALED
 43 [EFFECTIVE UPON PASSAGE]: IC 3-9-5-20; IC 3-9-5-21;
 44 IC 3-11-7-13; IC 3-11-13-34; IC 3-11-13-34.5; IC 3-11-15-35;
 45 IC 5-4-1-1.1.

46 SECTION 135. P.L.3-1997, SECTION 473, IS AMENDED TO
 47 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
 48 114. (a) As used in this SECTION, "computer system" refers to the
 49 computer system described in IC 3-9-4-4.

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

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

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

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

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

12 **make the reports required to be filed under IC 3-9-5 for reporting**
13 **periods, including all or part of calendar years 1997 and 1998, in**
14 **searchable, digital form available on the Internet.**

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

16 SECTION 136. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]:

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

19 (1) **a legislative caucus committee; or**

20 (2) **a national party affiliate committee;**

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

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

26 (c) **A legislative caucus committee under this SECTION shall**
27 **file a statement of organization with the election division not later**
28 **than January 21, 2000, reflecting the committee's status as a**
29 **legislative caucus committee.**

30 (d) **This SECTION expires December 31, 2000.**

31 SECTION 137. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]:

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

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

42 (c) **This SECTION expires December 31, 1999.**

43 SECTION 138. P.L.3-1997, SECTION 485, IS AMENDED TO
44 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999
45 (RETROACTIVE)]: (a) Notwithstanding IC 3-9-4-4(a), as amended by
46 this act, an expenditure coding system developed or maintained by the
47 election division or a county election board is not required to comply
48 with the requirements of IC 3-9-4-4(a) before January 1, ~~1999~~. **2000.**

49 (b) The expenditure codes required under IC 3-9-4-4(a), as
50 amended by this act, do not apply to reports required to be filed before
51 ~~March 31, 1999~~. **January 1, 2000.**

1 (c) Notwithstanding IC 3-9-4-4(b), as amended by this act:

2 (1) the computer system maintained by the election division is
3 not required to enable the election division to provide for
4 electronic submission, retrieval, storage, and disclosure of
5 campaign finance reports by candidates for legislative office and
6 state office; and

7 (2) the election division is not required to:

8 (A) provide training at no cost to candidates for legislative
9 office and state office; and

10 (B) suggest acceptable alternate electronic formats and
11 programs to enable candidates for legislative office and
12 state office to file campaign finance reports electronically;

13 before ~~July 1, 1999~~: **January 1, 2000.**

14 (d) This SECTION expires December 31, ~~1999~~: **2000.**

15 **SECTION 139. [EFFECTIVE UPON PASSAGE] (a) Not later**
16 **than October 1, 1999, the election division shall provide to the**
17 **legislative council a list of proposed campaign expenditure codes**
18 **required to be developed under IC 3-9-4-4, as amended by this act.**
19 **The list developed under this SECTION must include explanations**
20 **of the kinds of expenditure items that would have to be accounted**
21 **for under each proposed code, as required under IC 3-9-4-4, as**
22 **amended by this act.**

23 **(b) This SECTION expires October 2, 1999.**

24 **SECTION 140. [EFFECTIVE UPON PASSAGE] (a) As used in**
25 **this SECTION, "board" refers to the board of elections and**
26 **registration established by IC 3-6-5.2-3, as amended by this act.**

27 **(b) As used in this SECTION, "combined board" refers to the**
28 **combined county election board and board of registration**
29 **established by IC 3-6-5.2-3, (as in effect before July 1, 1999).**

30 **(c) An individual serving as a member of the combined board**
31 **on June 30, 1999, serves as an initial member of the board.**

32 **(d) An individual serving as chief deputy of the combined**
33 **board on June 30, 1999, serves as the initial director of the board.**

34 **(e) An individual serving as assistant chief deputy of the**
35 **combined board on June 30, 1999, serves as the initial assistant**
36 **director of the board.**

37 **(f) An individual serving as an employee of the combined**
38 **board on June 30, 1999, serves as an employee of the board with all**
39 **rights, duties, and conditions of employment the individual had as**
40 **an employee of the combined board before July 1, 1999.**

41 **(g) On July 1, 1999:**

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

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

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

48 **(h) After June 30, 1999, any reference to the combined board**
49 **in any statute, rule, or ordinance shall be treated as a reference to**
50 **the board.**

51 **(i) This SECTION expires January 1, 2001.**

1 SECTION 141. [EFFECTIVE UPON PASSAGE] (a) **The census**
2 **data advisory committee shall study the desirability of permitting**
3 **absentee ballots to be cast at a county election board office by using**
4 **a direct recording electronic voting system. The study must**
5 **include:**

6 (1) **whether the use of such a system by voters who:**

7 (A) **cast absentee ballots; and**

8 (B) **subsequently become disqualified before election**
9 **day;**

10 **can be prevented without the loss of the secrecy of the ballot**
11 **by other voters; and**

12 (2) **any other issues related to the implementation of absentee**
13 **voting by a direct recording electronic voting system that**
14 **would require the enactment of legislation by the general**
15 **assembly.**

16 (b) **This SECTION expires January 1, 2000.**

17 SECTION 142. [EFFECTIVE UPON PASSAGE] (a)
18 **Notwithstanding IC 3-11-4-21(a)(5), as amended by this act, an**
19 **absentee ballot envelope that complies with IC 3-11-4-21, as in**
20 **effect on January 1, 1999, may be used until July 1, 1999.**

21 (b) **This SECTION expires July 1, 1999.**

22 SECTION 143. [EFFECTIVE UPON PASSAGE] (a) **This**
23 **SECTION applies to expenses incurred for a contest or recount**
24 **conducted by the state recount commission after January 1, 1986,**
25 **and before January 1, 1999.**

26 (b) **A person (other than a party to a contest or recount) who**
27 **claims reimbursement of expenses described by subsection (a) must**
28 **submit a claim to the state recount commission not later than noon,**
29 **August 1, 1999. If the commission votes to approve the claim, the**
30 **treasurer of state shall issue a warrant to the person in accordance**
31 **with IC 5-13-5.**

32 (c) **This SECTION expires January 1, 2000.**

33 SECTION 144. **An emergency is declared for this act.**

(Reference is to ESB 109 as reprinted April 9, 1999.)

Conference Committee Report
on
Senate Bill 109

Signed by:

Senator Lawson C

Representative Kromkowski

Senator Sipes

Representative Whetstone

Senate Conferees

House Conferees