
SENATE BILL No. 109

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-2.5; IC 3-6-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-12; IC 3-13-1-10.5; IC 3-13-2-7; IC 3-14-3-18; IC 5-6-4; IC 33-2.1-8-1; IC 33-2.1-8-7; IC 33-5-5.1-29; IC 33-5-43.2-1; IC 36-1-6-10.

Synopsis: Various elections matters. Makes the following changes in election law: (1) Amends the definition of "auxiliary party organization". (2) Allows a precinct election officer to be appointed by a county election board when a county chairman fails to nominate an individual for the precinct office. Removes references to the officer being "of the opposite political party" in other statutes that do not recognize this procedure. (3) Permits a county chairman to nominate, and a county election board to appoint, a precinct election officer to serve a term that expires at noon, or begins at noon, on election day. (Current law does not provide for the appointment of a precinct election officer for a part of an election day.) (4) Provides that an employee of or volunteer in a county voter registration office or a city
(Continued next page)

Effective: Upon passage; July 1, 1997 (retroactive); January 1, 1998 (retroactive); January 1, 1999 (retroactive); July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Elections.



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or town office providing full service voter registration may not engage in certain activity prohibited by current law in other full service voter registration offices. (5) Provides that a person convicted of a crime and imprisoned before conviction and sentenced to serve time in prison is deprived of the right of suffrage as are persons who are convicted of a crime and imprisoned after conviction. (6) Requires a person who requests 10,000 or more voter registration forms to submit a voter registration program plan. (Current law states the co-directors of the election division may require submission of a plan.) (7) Requires that a person preparing an absentee ballot application for a voter state the voter's name on the absentee ballot application. (8) Makes changes relating to challenging the eligibility of an individual to be a candidate. (9) Makes technical changes in statutes relating to filing petitions of nomination and the filing of certificates of nomination of candidates and certificates of election of delegates to party conventions. (10) Makes several changes in campaign finance law, including the following: (a) Provides that campaign finance reporting requirements do not apply to candidates for a local office that has an annual compensation of less than \$10,000. (Current law states the annual compensation threshold is \$5,000.) (b) Provides for administrative disbanding of a committee. (c) Makes various changes regarding filing campaign finance reports. (d) Repeals the existing large contribution reporting statute and replaces it with a large contribution statute based on federal law. Provides that a large contribution report may be filed by fax. (e) Provides for the application of campaign finance laws to individuals who fill candidate vacancies. (f) Requires electronic submission of campaign finance reports to conform to formats approved by the election commission and other standards. (g) Specifies campaign finance report filing deadlines. (h) Provides that the campaign finance computer data base must have campaign finance reports for calendar years 1997 and 1998 in searchable and digital form, and the reports must be available on the Internet after December 31, 1998, but before January 1, 2000. (i) Specifies that legislative caucus committees and national party affiliate committees are political action committees through December 31, 1997. (j) Specifies reporting requirements under the 1997 campaign finance amendments for reports required during 1997. (k) Repeals the definition of national party affiliate committee and another obsolete statute. (11) Makes changes to the formatting of ballots, including removing the requirement that a political party device must be printed on the primary election ballot for the party. (12) Makes several changes in election challenge, recount, and contest procedures, including payment of recount and contest expenses. Makes an annual appropriation from the state general fund to the state recount commission of amounts necessary to pay expenses of recounts. (13) Provides that a criminal statute providing penalties for certain actions to influence a voter applies to the same actions intended to influence a candidate. (14) Provides that an appointed deputy of a person who holds a local office does not hold a lucrative office. (15) Makes technical changes in filings of declarations of candidacy and statements of economic interests by candidates for judicial offices. (16) Provides that a reference in an ordinance to the boundary of a political subdivision, a precinct boundary, or an election district boundary refers to the precinct or boundary as the precinct or boundary existed on the date of adoption of the ordinance. (17) Makes other technical changes in election law. (18) Appropriates \$10,000 from the state general fund to the state recount commission to pay claims timely submitted for reimbursement of expenditures for an election recount or contest conducted by the commission after January 1, 1986, and before January 1, 1999. Provides that such a claim must be submitted not later than noon August 1, 1999. (19) Repeals a statute relating to voter registration applications of individuals less than 18 years of age. Repeals statutes relating to ballot messengers. Repeals obsolete statutes.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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SENATE BILL No. 109



A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-2.5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
 3 Sec. 2.5. "Auxiliary party organization" means an organization located
 4 within or outside Indiana that:
 5 (1) is affiliated with a political party;
 6 (2) proposes to influence the election of a candidate for state,
 7 legislative, local, or school board office, or the outcome of a
 8 public question; and
 9 (3) has not:
 10 (A) had an annual budget of five thousand dollars (\$5,000) or
 11 more in at least one (1) of the last two (2) years; or
 12 (B) made a contribution of more than ~~five hundred dollars~~
 13 **(\$500) one thousand dollars (\$1,000)** to another committee
 14 or to a candidate.
 15 SECTION 2. IC 3-6-6-1 IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as otherwise
 2 provided by law, each county election board shall appoint a precinct
 3 election board for each precinct in the county.

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

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

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

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

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

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

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

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

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

22 SECTION 4. IC 3-6-6-3 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Each county election
 24 board may appoint two (2) assistant poll clerks in each precinct.

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

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

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

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

34 (17) years of age; and

35 (2) a resident of the county.

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

40 (b) **Each county chairman of a major political party of the**
 41 **county is entitled to nominate one (1) election sheriff under section**
 42 **9 of this chapter.**



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

3 ~~(b)~~ (d) A county executive may issue an order providing that the
4 judges of each precinct named in the order shall perform the duties and
5 have the rights of the election sheriffs of the precinct named in the
6 order. An order issued under this subsection remains in effect until the
7 county executive ~~retracts~~ **rescinds** the order.

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

13 (b) **A county chairman may specify in the nomination of an**
14 **individual for a precinct election office that the individual is**
15 **nominated to serve until noon on election day and that another**
16 **individual is nominated to serve in the same precinct election office**
17 **beginning at noon on election day until the expiration of the term**
18 **of the office under section 37(b) of this chapter.**

19 SECTION 7. IC 3-6-6-11 IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A county election board
21 shall appoint the voters who are nominated for precinct election offices
22 by the county chairmen.

23 (b) **This subsection applies to an appointment to a precinct**
24 **election office made following a nomination by a county chairman**
25 **under this chapter. The county election board shall provide that an**
26 **appointment of an individual to a precinct election office:**

27 (1) **expires at noon on election day; or**

28 (2) **begins at noon on election day and expires under section**
29 **37(b) of this chapter;**

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

32 (c) **This subsection applies to an appointment to a precinct**
33 **election office made by a county election board under section 13(b)**
34 **of this chapter. The county election board may appoint an**
35 **individual to a precinct election office for a term that:**

36 (1) **expires at noon on election day; or**

37 (2) **begins at noon on election day and expires under section**
38 **37(b) of this chapter.**

39 SECTION 8. IC 3-6-6-14 IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not
41 apply to a vacancy in the office of election sheriff in a precinct that is
42 subject to a resolution adopted under section 5 of this chapter.



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1 (b) If a precinct election officer fails to appear at the hour set for the
 2 opening of the polls, or if a precinct election office becomes vacant
 3 during election day, the remaining members of the precinct election
 4 board shall fill the vacancy upon the nomination of the highest ranking
 5 precinct election officer ~~whose~~ **nominated by the county chairman**
 6 **of the same** political party is the same as that required for whose
 7 **county chairman was entitled to nominate** the holder of the office to
 8 be filled.

9 (c) **If a county chairman fails to nominate the individual**
 10 **appointed to make a nomination to fill a vacant precinct election**
 11 **office under subsection (b), the individual appointed by the county**
 12 **election board to this precinct election office under section 13(b) of**
 13 **this chapter is entitled to make the nomination to fill the vacant**
 14 **precinct office under this section.**

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

- 17 (1) Inspector.
- 18 (2) Judge.
- 19 (3) Poll clerk.
- 20 (4) Assistant poll clerk.
- 21 (5) Election sheriff.

22 SECTION 9. IC 3-6-6-32 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) If a precinct has both
 24 poll clerks and assistant poll clerks and the voting is entirely done by
 25 paper ballot, the assistant poll clerks shall perform the same duties
 26 required of the poll clerks regarding the initialing and giving out of the
 27 ballots and pencils **or pens** when required to do so. ~~However,~~

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

33 SECTION 10. IC 3-7-10 IS ADDED TO THE INDIANA CODE AS
 34 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
 35 PASSAGE]:

36 Chapter 10. General Provisions

37 Sec. 1. This article is enacted by the general assembly to
 38 implement Article 2, Section 14(c) of the Constitution of the State
 39 of Indiana, which requires the general assembly to provide for the
 40 registration of all persons entitled to vote.

41 SECTION 11. IC 3-7-12-41 IS ADDED TO THE INDIANA CODE
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: **Sec. 41. As provided in 42 U.S.C.**
 2 **1973gg-5(a)(5), an employee or volunteer of a county voter**
 3 **registration office may not do any of the following:**

4 (1) **Seek to influence an applicant's political preference or**
 5 **party registration.**

6 (2) **Display any political preference or party allegiance,**
 7 **including pictures, photographs, or other likenesses of any**
 8 **currently elected federal, state, county, or local official.**

9 (3) **Make any statement to an applicant or take any action the**
 10 **purpose or effect of which is to discourage the applicant from**
 11 **registering to vote.**

12 (4) **Make any statement to an applicant or take any action the**
 13 **purpose or effect of which is to lead the applicant to believe**
 14 **that a decision whether or not to register has any bearing on**
 15 **the availability of services or benefits.**

16 SECTION 12. IC 3-7-13-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person
 18 who is:

19 (1) convicted of a crime; and

20 (2) imprisoned **either:**

21 (A) following conviction; or

22 (B) **preceding conviction and sentenced to time already**
 23 **served upon conviction;**

24 is deprived of the right of suffrage by the general assembly pursuant to
 25 Article 2, Section 8 of the Constitution of the State of Indiana.

26 (b) A person described in subsection (a) is ineligible to register
 27 under this article during the period that the person is:

28 (1) imprisoned; or

29 (2) otherwise subject to lawful detention.

30 SECTION 13. IC 3-7-19-6 IS ADDED TO THE INDIANA CODE
 31 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 32 **UPON PASSAGE]: Sec. 6. As provided in 42 U.S.C. 1973gg-5(a)(5),**
 33 **an employee or volunteer of a county voter registration office may**
 34 **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 the**
 41 **purpose or effect of which is to discourage the applicant from**
 42 **registering to vote.**

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1 **(4) Make any statement to an applicant or take any action the**
2 **purpose or effect of which is to lead the applicant to believe**
3 **that a decision whether or not to register has any bearing on**
4 **the availability of services or benefits.**

5 SECTION 14. IC 3-7-20-7 IS ADDED TO THE INDIANA CODE
6 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
7 **UPON PASSAGE]: Sec. 7. As provided in 42 U.S.C. 1973gg-5(a)(5),**
8 **an employee or volunteer of a county voter registration office may**
9 **not do any of the following:**

10 **(1) Seek to influence an applicant's political preference or**
11 **party registration.**

12 **(2) Display any political preference or party allegiance,**
13 **including pictures, photographs, or other likenesses of any**
14 **currently elected federal, state, county, or local official.**

15 **(3) Make any statement to an applicant or take any action the**
16 **purpose or effect of which is to discourage the applicant from**
17 **registering to vote.**

18 **(4) Make any statement to an applicant or take any action the**
19 **purpose or effect of which is to lead the applicant to believe**
20 **that a decision whether or not to register has any bearing on**
21 **the availability of services or benefits.**

22 SECTION 15. IC 3-7-22-6 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As provided
24 in 42 U.S.C. 1973gg-4(b), the NVRA official shall make registration
25 by mail forms available for distribution, with particular emphasis on
26 organized voter registration programs.

27 (b) The co-directors ~~may~~ **shall** require a person who requests more
28 than ten thousand (10,000) registration forms to submit a voter
29 registration program plan to the NVRA official to document the
30 person's need for the desired number of forms.

31 SECTION 16. IC 3-8-1-2 IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission or a
33 county election board shall act in accordance with this section if a
34 candidate in accordance with this section (or a person acting on behalf
35 of a candidate in accordance with state law) has filed any of the
36 following:

37 (1) A declaration of candidacy under IC 3-8-2.

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

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

42 (4) A certificate of nomination under IC 3-8-7.

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- 1 (5) A certificate of candidate selection under IC 3-13-1 or
 2 IC 3-13-2.
- 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. A county election board has jurisdiction to act under
 6 this section with regard to any filing described in subsection (a) that
 7 was made with the county election board, county voter registration
 8 office, or the circuit court clerk.
- 9 (c) Before the commission or county election board acts under this
 10 section, a registered voter of the election district that a candidate seeks
 11 to represent must file a sworn statement with the election division or a
 12 county election board:
- 13 (1) questioning the eligibility of a candidate to seek the office;
 14 and
 15 (2) setting forth the facts known to the voter concerning this
 16 question.
- 17 **(d) The eligibility of a candidate nominated by a convention,
 18 petition, or primary may not be challenged under this section if
 19 either of the following occurred:**
- 20 **(1) The commission or board determines that:**
- 21 **(A) the eligibility of the candidate was challenged under
 22 this section before the candidate was nominated;**
 23 **(B) the commission or board conducted a hearing on the
 24 affidavit before the nomination; and**
 25 **(C) this challenge would be based on substantially the same
 26 grounds as the previous challenge to the candidate.**
- 27 **(2) The commission or board determines that:**
- 28 **(A) the eligibility of the candidate was not challenged
 29 under this section before the candidate was nominated;**
 30 **(B) the person filing the affidavit had adequate time to file
 31 a challenge under this section before the candidate was
 32 nominated; and**
 33 **(C) the allegations forming the basis of the challenge were
 34 known (or reasonably should have been known) before the
 35 nomination by the person who filed the affidavit.**
- 36 ~~(d)~~ (e) Upon the filing of a sworn statement under subsection (c),
 37 the commission or county election board shall determine the validity
 38 of the questioned declaration of candidacy, request for ballot placement
 39 under IC 3-8-3, petition of nomination, certificate of nomination, or
 40 certificate of candidate selection issued under IC 3-13-1-15 or
 41 IC 3-13-2-8.
- 42 ~~(e)~~ (f) The commission or county election board shall deny a filing

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1 if the commission or county election board determines that the
 2 candidate has not complied with the applicable requirements for the
 3 candidate set forth in the Constitution of the United States, the
 4 Constitution of the State of Indiana, or this title.

5 SECTION 17. IC 3-8-1-5 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section does not
 7 apply to a candidate for federal office.

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

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

13 (2) does not comply with IC 5-8-3 **by having a conviction for a**
 14 **violation of the federal laws listed in that statute;**

15 (3) has:

16 (A) entered a plea of guilty or nolo contendere to; or

17 (B) been convicted of;

18 a felony (as defined in IC 35-50-2-1);

19 (4) has been removed from the office the candidate seeks under
 20 Article 7, Section 11 or Article 7, Section 13 of the Constitution
 21 of the State of Indiana; ~~or~~

22 (5) is a member of the United States armed forces on active duty
 23 and prohibited by the United States Department of Defense from
 24 being a candidate; ~~or~~

25 **(6) is subject to:**

26 **(A) 5 U.S.C. 1502 (the Little Hatch Act); or**

27 **(B) 5 U.S.C. 7321-7326 (the Hatch Act);**

28 **and would violate either federal statute by becoming or**
 29 **remaining the candidate of a political party for nomination or**
 30 **election to an elected office or a political party office.**

31 SECTION 18. IC 3-8-1-5.5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) Except as
 33 provided in IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a
 34 ticket, a person who:

35 (1) is defeated in a primary election; ~~or~~

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

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

40 (4) **files a declaration of candidacy for nomination by a caucus**
 41 **conducted under IC 3-13-1 or IC 3-13-2 and is defeated;**

42 is not eligible to become a candidate for the same office in the next

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1 general or municipal election.

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

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

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

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

11 SECTION 19. IC 3-8-1-5.7 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.7. (a) Except as
13 expressly provided by law, a candidate for selection under **IC 3-13-5**
14 **or IC 3-13-11** for an appointment pro tempore to an office must comply
15 with the requirements imposed under this chapter on a candidate for
16 election to the office.

17 (b) If a town council member:

18 (1) was elected or selected as a candidate from a town council
19 district; and

20 (2) served on a council that subsequently adopted an ordinance
21 under IC 36-5-2-4.1 abolishing town council districts;
22 a candidate for selection for an appointment pro tempore to succeed the
23 town council member is not required to reside within the district
24 formerly represented by the town council member.

25 SECTION 20. IC 3-8-2-15 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A person
27 who files a declaration of candidacy for an elected office for which a
28 per diem or salary is provided for by law is disqualified from filing a
29 declaration of candidacy for another office for which a per diem or
30 salary is provided for by law until the original declaration is withdrawn.

31 (b) A person may file both:

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

34 (2) a written request under IC 3-8-3-1 that the person's name be
35 placed on the ballot in a primary election as a candidate for
36 nomination for the office of President of the United States.

37 (c) A person may not file:

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

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

42 If a person files both a declaration of candidacy and a petition of

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1 nomination described in this subsection, the matter shall be referred to
 2 the county election board under section 18 of this chapter. The board
 3 shall determine which document was most recently filed and shall
 4 consider the previously filed document to have been withdrawn.

5 SECTION 21. IC 3-8-6-10 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as
 7 provided in section 11 of this chapter, a petition of nomination must be
 8 submitted to the county voter registration office of each county in
 9 which the election district is located.

10 (b) The petition must be

11 (†) filed during the period beginning January 1 of the year in
 12 which the election will be held and ending at noon July 15 before
 13 the election. ~~and~~

14 (‡) ~~accompanied by the candidate's written consent to become a~~
 15 ~~candidate and any statement of economic interests required under~~
 16 ~~IC 3-8-1-33.~~

17 (c) The county voter registration office shall certify and file a
 18 petition that complies with the requirements of this chapter with the
 19 public official authorized to place names on the ballot (and with the
 20 town clerk-treasurer, if the petition of nomination is for a town office)
 21 by noon August 1. Following certification of a petition under this
 22 section, the office may, upon the request of a candidate named in the
 23 petition, return the original petition to the candidate for filing with the
 24 appropriate official in accordance with this subsection.

25 (d) During a year in which a federal decennial census, federal
 26 special census, special tabulation, or corrected population count
 27 becomes effective under IC 1-1-3.5, a petition of nomination may be
 28 filed for an office that will appear on the primary election ballot that
 29 year as a result of the new tabulation of population or corrected
 30 population count.

31 SECTION 22. IC 3-8-6-12 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A petition
 33 of nomination for an office filed under section 10 of this chapter must
 34 be filed with and certified by the person with whom a declaration of
 35 candidacy must be filed under IC 3-8-2.

36 (b) The petition of nomination must be accompanied by the
 37 following:

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

39 (2) A statement that the candidate:

40 (A) is aware of the provisions of IC 3-9 regarding campaign
 41 finance and the reporting of campaign contributions and
 42 expenditures; and

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



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1 (e) The commission shall provide that the form of a petition of
 2 nomination includes the following information near the separate
 3 signature required by subsection (b)(2):

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

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

7 SECTION 23. IC 3-8-7-6 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 1999]: Sec. 6. ~~Within~~ **(a) Not later than noon**
 9 ten (10) days after:

10 (1) receipt of the candidate ~~and delegate~~ lists from each circuit
 11 court clerk under section 5 of this chapter; **or**

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

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

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

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

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

26 (3) include the address of each candidate. ~~and delegate. The~~
 27 ~~delegate lists shall be certified in duplicate, separate from the~~
 28 ~~candidate lists.~~

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

32 SECTION 24. IC 3-8-7-6.5 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 1999]: Sec. 6.5. **(a) Not later than noon ten (10) days after receipt**
 35 **of the delegate lists from each circuit court clerk under section 5 of**
 36 **this chapter, the secretary of state shall furnish to the state**
 37 **chairman of each major political party of the state a list of**
 38 **individuals elected as delegates to the convention of the chairman's**
 39 **political party.**

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

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

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

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

6 SECTION 25. IC 3-8-7-25.5 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.5. (a) This
 8 section does not apply to the change of a candidate's name that occurs
 9 after absentee ballots have been printed bearing the candidate's name.

10 (b) A candidate who:

11 (1) is:

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

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

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

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

16 **(B) becoming a candidate for nomination;**

17 may file a statement setting forth the former and current name of the
 18 candidate with the office where a declaration of candidacy or certificate
 19 of nomination for the office is required to be filed. **If the final date**
 20 **and hour has not passed for filing a declaration of candidacy,**
 21 **consent for nomination, or declaration of intent to be a write-in**
 22 **candidate, the candidate must file the request for a change of name**
 23 **on the form prescribed by the commission for the declaration or**
 24 **consent.**

25 (c) The statement filed under subsection (b) must also indicate that
 26 the candidate has previously filed a change of name request with a
 27 county voter registration office so that the name set forth in the
 28 statement is identical to the candidate's name on the county voter
 29 registration record.

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

33 SECTION 26. IC 3-9-1-1 IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 1. (a)
 35 Except as provided in subsection (b), this chapter applies to candidates
 36 in all elections and caucuses and to the following types of committees:

37 (1) Candidate's committees.

38 (2) Regular party committees.

39 (3) Political action committees.

40 (4) Legislative caucus committees.

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

42 (1) Elections to local offices for which the compensation is less

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than ~~five ten~~ thousand dollars (~~\$5,000~~) **(\$10,000)** per year.

(2) Candidates for school board office except a candidate who is required to file a written instrument designating a principal committee under section 5 of this chapter.

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

(4) An auxiliary party organization.

SECTION 27. IC 3-9-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A committee must include in its statement of organization the following:

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

SECTION 28. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A committee may disband at any time **in the manner prescribed by this section.**

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

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

- (1) **A candidate's committee for state office.**
- (2) **A candidate's committee for legislative office.**
- (3) **A legislative caucus committee.**
- (4) **A political action committee that has filed a statement or**

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report with the election division.

(5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for a local office.

(2) A candidate's committee for a school board office.

(3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.

(4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines that a committee:

(A) has not filed any report of expenditures during the previous three (3) calendar years;

(B) owes no debts to any person other than:

(i) a civil penalty assessed by the commission or board; or

(ii) to an individual who was a candidate and also serves as the chairman or treasurer of the candidate's committee, if the committee filed a report under this article; and

(C) last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article;

the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee and waiving any

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1 outstanding civil penalty previously imposed by the
 2 commission or board if the commission or board makes the
 3 following findings:

4 (A) There is no evidence that the committee continues to
 5 receive contributions, make expenditures, or otherwise
 6 function as a committee.

7 (B) The prudent use of public resources makes further
 8 efforts to collect any outstanding civil penalty imposed
 9 against the committee wasteful or unjust.

10 (C) According to the best evidence available to the
 11 commission or board, the dissolution of the committee will
 12 not impair any contract or impede the collection of a debt
 13 or judgment by any person.

14 (5) The election division shall arrange for the publication of
 15 an order administratively disbanding a committee in the
 16 Indiana Register. A county election board shall publish a
 17 notice under IC 5-3-1 stating that the board has disbanded a
 18 committee under this subsection. The notice must state the
 19 date of the order and the name of the committee, but the
 20 board is not required to publish the text of the order.

21 (6) An order issued under this subsection takes effect
 22 immediately upon its adoption, unless otherwise specified in
 23 the order.

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

26 (1) Give written notification of the dissolution and transfer a
 27 surplus of contributions less expenditures to any one (1) or a
 28 combination of the following:

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

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

31 (C) The election division.

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

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

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

37 (g) Except as provided in subsection (e) concerning the waiver
 38 of civil penalties, a dissolution and or transfer of funds does not
 39 relieve the committee or its the committee's members from civil or
 40 criminal liability.

41 SECTION 29. IC 3-9-2-1 IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 1. (a)

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1 Except as provided in subsections (b) and (c), this chapter applies to
 2 candidates in all elections and caucuses and to the following types of
 3 committees:

- 4 (1) Candidate's committees.
- 5 (2) Regular party committees.
- 6 (3) Political action committees.
- 7 (4) A legislative caucus committee.

8 (b) Sections 2 through 10 of this chapter do not apply to the
 9 following:

- 10 (1) Elections to local offices for which the compensation is less
 11 than ~~five ten~~ thousand dollars (~~\$5,000~~) (**\$10,000**) per year.
- 12 (2) Elections for precinct committeeman or delegate to a state
 13 convention.

14 (c) Section 9 of this chapter does not apply to a candidate for school
 15 board office unless the candidate is required to file a written instrument
 16 designating a principal committee under IC 3-9-1-5.

17 (d) Sections 9 and 10 of this chapter apply to an auxiliary party
 18 organization.

19 SECTION 30. IC 3-9-2-13 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. An individual
 21 may not ~~make solicit~~ or receive a contribution in violation of the
 22 following statutes:

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

29 SECTION 31. IC 3-9-4-1 IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 1. (a)

31 Except as provided in subsection (b), this chapter applies to candidates
 32 in all elections and caucuses and to the following types of committees:

- 33 (1) Candidate's committees.
- 34 (2) Regular party committees.
- 35 (3) Political action committees.
- 36 (4) A legislative caucus committee.

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

- 38 (1) Elections to local offices for which the compensation is less
 39 than ~~five ten~~ thousand dollars (~~\$5,000~~) (**\$10,000**) per year.
- 40 (2) Elections for precinct committeeman or delegate to a state
 41 convention.
- 42 (3) A candidate for a school board office except a candidate who



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1 is required to file a written instrument designating a principal
2 committee under IC 3-9-1-5.

3 (4) An auxiliary party organization.

4 SECTION 32. IC 3-9-4-4 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The election division
6 shall develop a filing, coding, and cross-indexing system consistent
7 with the purposes of this article. The election division and each county
8 election board shall use the filing, coding, and cross-indexing system.
9 The coding system must provide:

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

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

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

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

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

21 (3) Provide for electronic submission, retrieval, storage, and
22 disclosure of campaign finance reports of candidates for the
23 following:

24 (A) Legislative office.

25 (B) State office.

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

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

40 **(d) The election division is not required to accept an electronic**
41 **submission unless the submission complies with subsection (b)(3).**
42 **Upon receiving approval from the commission, the election division**



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1 **may accept an electronic submission from candidates, committees,**
 2 **or persons described in subsection (b)(3).**

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

6 SECTION 33. IC 3-9-4-14 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The election
 8 division and each county election board shall do all of the following:

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

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

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

13 (2) Give the following notices:

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

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

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

29 (b) The election division shall mail:

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

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

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

40 (c) Notwithstanding any notice given to a delinquent under
 41 subsection (a) or (b), the delinquent remains liable for a civil penalty
 42 in the full amount permitted under this chapter for failing to file a

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1 campaign finance report or statement of organization not later than the
2 date and time prescribed under this article.

3 SECTION 34. IC 3-9-4-18 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in
5 this section, "delinquent **or defective** report" refers to a campaign
6 finance report **or statement of organization**:

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

9 (2) for which a person was assessed a civil penalty under section
10 16 or 17 of this chapter.

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

12 (1) The commission if a civil penalty was assessed under section
13 16 of this chapter.

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

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

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

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

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

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

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

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

30 for a subsequent candidacy.

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

33 (e) This subsection applies to a person who:

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

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

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

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1 been withheld.

2 (f) The auditor of state or fiscal officer shall deposit an amount
3 **paid, recovered, or withheld** under this section in the election board's
4 campaign finance enforcement account.

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

7 SECTION 35. IC 3-9-5-1 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 1. (a)
9 Except as provided in subsection (b), this chapter applies to candidates
10 in all elections and caucuses and to the following types of committees:

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

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

- 16 (1) Elections to local ~~or school board~~ offices for which the
17 compensation is less than ~~five ten~~ thousand dollars ~~(\$5,000)~~
18 **(\$10,000)** per year.
19 (2) Candidates for school board office except a candidate who is
20 required to file a written instrument designating a principal
21 committee under IC 3-9-1-5.
22 (3) Elections for precinct committeeman or delegate to a state
23 convention.
24 (4) An auxiliary party organization.

25 SECTION 36. IC 3-9-5-6 IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 6. (a) **This**
27 **subsection applies to a candidate's committee.** Except as otherwise
28 provided in this chapter, each committee, ~~its the committee's~~ treasurer,
29 and each candidate shall complete a report required by this chapter
30 current and dated as of the following dates:

- 31 (1) Twenty-five (25) days before the nomination date.
32 (2) Twenty-five (25) days before the general, ~~or~~ municipal, ~~or~~
33 **special** election.
34 (3) The annual report filed and dated as required by section 10 of
35 this chapter.

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



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dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

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

- (1) Twenty-five (25) days before a primary election conducted in an even-numbered year.
- (2) Twenty-five (25) days before a general election conducted in an even-numbered year.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

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

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

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

SECTION 37. IC 3-9-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section applies to a candidate for nomination to an office in a state convention who**

~~(1)~~ becomes a candidate less than twenty-five (25) days before the **nomination date for a candidate chosen at a convention. and**

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

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



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1 convention.

2 SECTION 38. IC 3-9-5-14 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
4 Sec. 14. (a) As used in this section, "threshold contribution amount"
5 refers to the following:

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

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

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

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

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

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

24 (A) The full name of the person.

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

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

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

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

35 (5) If the reporting committee is a candidate's committee, the
36 following information about each other committee that has
37 reported expenditures to the reporting candidate's committee
38 under section 15 of this chapter:

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

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

42 (C) The date of the expenditures reported by the other

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- 1 committee.
- 2 (D) The purpose of the expenditures reported by the other
- 3 committee.
- 4 (6) Each loan to or from a person within the reporting period
- 5 together with the following information:
- 6 (A) The full names and mailing addresses of the lender and
- 7 endorsers, if any.
- 8 (B) The person's occupation, if the person is an individual who
- 9 has made loans of at least one thousand dollars (\$1,000) **to the**
- 10 **committee** during the calendar year.
- 11 (C) The date and amount of the loans.
- 12 (7) The total sum of all receipts of the committee during the
- 13 reporting period.
- 14 (8) The full name, mailing address, occupation, and principal
- 15 place of business, if any, of each person other than a committee
- 16 to whom an expenditure was made by the committee or on behalf
- 17 of the committee within the year in an aggregate amount that:
- 18 (A) exceeds one hundred dollars (\$100), in the case of a
- 19 candidate's committee, **legislative caucus committee**, or
- 20 political action committee; or
- 21 (B) exceeds two hundred dollars (\$200), in the case of a
- 22 regular party committee.
- 23 (9) The name, address, and office sought by each candidate for
- 24 whom any expenditure was made or a statement identifying the
- 25 public question for which any expenditure was made, including
- 26 the amount, date, and purpose of each expenditure.
- 27 (10) The full name, mailing address, occupation, and principal
- 28 place of business, if any, of each person to whom an expenditure
- 29 for personal services, salaries, or reimbursed expenses was made
- 30 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 and that is not otherwise reported, including the amount, date, and
- 37 purpose of the expenditure.
- 38 (11) The total sum of expenditures made by the committee during
- 39 the reporting period.
- 40 (12) The amount and nature of debts owed by or to the committee,
- 41 and a continuous reporting of the debts after the election at the
- 42 times ~~that the board requires~~ **required under this article** until the

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1 debts are extinguished.

2 SECTION 39. IC 3-9-5-16 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
4 Sec. 16. (a) This subsection applies to a candidate's committee **of a**
5 **candidate whose name does not appear on the ballot at any time**
6 **during a year and who is not a write-in candidate during that year.**
7 The reports required to be filed by this chapter are cumulative during
8 the year. If no contributions or expenditures have been accepted or
9 made during a year, the treasurer of the candidate's committee shall file
10 a statement to that effect.

11 (b) This subsection applies to a political action committee or a
12 regular party committee. If a committee has not received or made
13 contributions or expenditures, the committee shall file a report under
14 section 6 of this chapter stating that no contributions or expenditures
15 have been received or made.

16 SECTION 40. IC 3-9-5-20.1 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 1999]: **Sec. 20.1. (a) This section applies only to a large**
19 **contribution that satisfies all of the following:**

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

23 (2) **The contribution is received:**

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

26 (B) **not less than forty-eight (48) hours before an election.**

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

29 (1) **A primary election.**

30 (2) **A general election.**

31 (3) **A municipal election.**

32 (4) **A special election.**

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

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

37 (d) **The treasurer of a candidate's committee shall report a large**
38 **contribution not later than forty-eight (48) hours after the**
39 **contribution is received. A report filed under this section may be**
40 **filed by facsimile (fax) transmission.**

41 (e) **A report required by subsection (d) must contain the**
42 **following information for each large contribution:**



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- 1 **(1) The name of the person making the contribution.**
 2 **(2) The address of the person making the contribution.**
 3 **(3) If the person making the contribution is an individual, the**
 4 **individual's occupation.**
 5 **(4) The amount of the contribution.**
 6 **(5) The date and time the contribution was received by the**
 7 **treasurer, the candidate, or the candidate's committee.**
 8 **(f) The commission shall prescribe the form for the report**
 9 **required by this section.**

10 SECTION 41. IC 3-10-1-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Whenever
 12 there is no contest in a political party for the nomination of a candidate
 13 or candidates for an office, the party may hold a primary election for
 14 that nomination. The appropriate election board shall certify the names
 15 of the candidates for each nomination for which there is no contest as
 16 though a primary election had been held. However, except as provided
 17 in subsections (b) through (c), if there is a contest in any party for any
 18 nomination, the name of each candidate of each party shall be placed
 19 on the primary election ballot, whether or not the candidate is opposed.

20 (b) If the only contest in a political party is for the election of a
 21 precinct committeeman or a delegate to the party's state convention, the
 22 names of unopposed candidates for nomination are not required to be
 23 placed on the primary election ballot **unless the appointed member**
 24 **of the county election board affiliated with the political party files**
 25 **a written request that these names be printed on the primary**
 26 **election ballot.**

27 (c) The names of unopposed candidates for election as a precinct
 28 committeeman or a delegate to a political party's state convention are
 29 not required to be placed on the primary election ballot **unless the**
 30 **appointed member of the county election board affiliated with the**
 31 **political party files a written request that these names be printed**
 32 **on the primary election ballot.**

33 (d) **A request under subsection (b) or (c) must be filed with the**
 34 **clerk of the circuit court not later than the date provided under**
 35 **IC 3-11-4-10 by which the clerk must estimate the number of**
 36 **absentee ballots to be printed.**

37 SECTION 42. IC 3-10-1-14 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) All the
 39 candidates for each office who have qualified in the manner prescribed
 40 by IC 3-8 for placement on the primary election ballot shall be grouped
 41 together under the name of the office and printed in type with uniform
 42 capital letters, with uniform space between each name. At the head of

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1 each group where only one (1) candidate for each group is to be voted
 2 for, the words "vote for one (1) only" shall be printed. If more than one
 3 (1) candidate in a group is to be voted for, the number to be voted for
 4 shall be specified at the head of the group.

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

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

10 (1) initials; or

11 (2) a nickname by which the candidate is commonly known;

12 if the candidate's choice of initials or nickname does not exceed twenty
 13 (20) characters. Any nickname used must appear in parentheses
 14 between the candidate's given name and the candidate's surname.

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

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

20 SECTION 43. IC 3-10-1-17 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. Political parties
 22 may be distinguished in a primary election by the use of different color
 23 ballot labels. The party ~~device~~ for a political party that has been
 24 adopted in accordance with IC 3-8 and the party name or other
 25 ~~designation~~ shall be placed before the list of candidates of the party.

26 SECTION 44. IC 3-10-1-33 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) The county
 28 election board shall also make an additional duplicate showing the
 29 votes cast for each candidate required to file a declaration of candidacy
 30 with the election division under IC 3-8-2. ~~or for whom a certificate of~~
 31 ~~nomination must be filed with the election division under IC 3-8-7.~~

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

36 SECTION 45. IC 3-10-1-34 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 34. The election
 38 division, not later than **noon:**

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

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



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

4 SECTION 46. IC 3-10-11-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter:

6 (1) applies to a general, municipal, primary, school district, and
 7 special election; **and**

8 **(2) is enacted to implement Article 2, Section 2(c) of the**
 9 **Constitution of the State of Indiana.**

10 SECTION 47. IC 3-10-12-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter:

12 (1) prescribes the procedure for certain voters to cast ballots
 13 under 42 U.S.C. 1973gg-6(e)(2) in a precinct where the voter
 14 formerly resided; **and**

15 **(2) is enacted to implement Article 2, Section 2(c) of the**
 16 **Constitution of the State of Indiana.**

17 SECTION 48. IC 3-11-4-5.1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) The
 19 commission shall prescribe the form of an application for an absentee
 20 ballot.

21 (b) The form prescribed by the commission shall require that a voter
 22 who:

23 (1) requests an absentee ballot; and

24 (2) is eligible to vote in the precinct under IC 3-10-11 or
 25 IC 3-10-12;

26 must include the affidavit required by IC 3-10-11 or a written
 27 affirmation described in IC 3-10-12.

28 **(c) The form prescribed by the commission must require that an**
 29 **individual who assists the applicant in completing the application**
 30 **state the individual's name on the application.**

31 SECTION 49. IC 3-11-7-3.5 IS ADDED TO THE INDIANA CODE
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 1999]: **Sec. 3.5. A ballot card printed for use under this article**
 34 **must have the year of the election to be conducted printed or**
 35 **stamped on the face of the ballot card.**

36 SECTION 50. IC 3-11-13-27.5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.5. At the
 38 opening of the polls, after the organization of and in the presence of the
 39 precinct election board, the inspector shall:

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

42 (2) deliver ~~twenty-five (25)~~ **fifty (50)** of each of the state and local

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1 ballots to the poll clerk ~~of~~ **representing** the opposite political
2 party; and

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

4 SECTION 51. IC 3-12-5-9 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Upon receipt
6 of the certified statements from the circuit court clerks under section 6
7 of this chapter, the election division shall:

8 (1) ~~compare and estimate~~ **tabulate** the number of votes cast for
9 each candidate for United States Senator and United States
10 Representative; and

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

13 (A) the governor **for signature and certification to the**
14 **secretary of the United States Senate, setting forth the**
15 **name of** the candidate receiving the highest number of votes
16 **for each the office of United States Senator, in the manner**
17 **required by 2 U.S.C. 1; and**

18 (B) **the clerk of the United States House of Representatives,**
19 **setting forth the name of each candidate receiving the**
20 **highest number of votes for United States Representative,**
21 **in the manner required by 2 U.S.C. 26.**

22 (b) The secretary of state shall promptly execute the certificate
23 prepared under subsection ~~(a)~~ (a)(2)(A) and ~~file~~ **transmit** the
24 certificate ~~with~~ to the governor. **The governor shall promptly execute**
25 **the certificate and transmit the certificate to the election division**
26 **for attestation by the secretary of state and transmission to the**
27 **secretary of the United States Senate.**

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

31 SECTION 52. IC 3-12-5-10 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The ~~governor~~
33 **election division** shall transmit to each candidate certified under
34 section 9 of this chapter ~~a~~ **an original copy of the** certificate of
35 election. The secretary of state shall seal and attest the certificate of
36 election.

37 SECTION 53. IC 3-12-6-3 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. Each petition filed
39 under section 2 of this chapter must state the following:

40 (1) The office for which the petitioner desires a recount.

41 (2) The precincts within the county in which the petitioner desires
42 a recount.

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

14 SECTION 54. IC 3-12-6-7 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) **Except as**
 16 **provided in subsection (b),** the court in which a petition or
 17 cross-petition is filed may allow the petition or cross-petition to be
 18 amended at any time upon the terms and conditions that the court
 19 orders.

20 (b) **The court may not allow a petition or cross-petition to be**
 21 **amended following the deadline for filing a petition or**
 22 **cross-petition under this chapter if the petition or cross-petition as**
 23 **originally filed:**

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

26 SECTION 55. IC 3-12-6-21 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) After a
 28 recount is ordered under section 14 of this chapter, the recount
 29 commission shall convene at a place fixed by order of the court. ~~and~~

30 (b) **Whenever a motion to dismiss a petition or cross-petition for**
 31 **a recount is filed with the court, the court shall rule on the motion**
 32 **to dismiss before the recount commission conducts the recount.**
 33 **The motion to dismiss must:**

- 34 (1) **state that the petitioner or cross-petitioner has failed to**
 35 **comply with this chapter; and**
- 36 (2) **specifically identify the requirement that the petitioner or**
 37 **cross-petitioner has failed to comply with.**

38 (c) **As the first item of business, the recount commission shall**
 39 **adopt procedures for conducting the recount, based as closely as is**
 40 **practical on the procedures adopted by the state recount**
 41 **commission. After adopting these procedures, the recount**
 42 **commission shall expeditiously complete the recount of all votes**

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1 ordered recounted.

2 ~~(b)~~ (d) The proceedings of the recount commission shall be
 3 performed in public under IC 5-14-1.5 (the Open Door Law). However,
 4 the commission may restrict access to parts of a room where the
 5 recount is being conducted to safeguard the election material or to
 6 permit the material to be handled or transported by the commission.
 7 Each candidate affected by the recount may have a watcher present at
 8 the recount and may also be present in person. A watcher for a
 9 candidate under this subsection has the same rights as a watcher
 10 appointed under IC 3-6-8-4. Representatives of the media may also
 11 attend the recount and have the same rights as media watchers
 12 appointed under IC 3-6-10.

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

20 ~~(d)~~ (f) During the period:

21 (1) beginning when a recount is ordered under section 14 of this
 22 chapter; and

23 (2) ending when the recount commission certifies the recount
 24 results under section 22 of this chapter;

25 the recount commission may petition the court that acquired
 26 jurisdiction over the recount under section 8 of this chapter to rule on
 27 questions raised by the recount commission.

28 SECTION 56. IC 3-12-6-21.9 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21.9. (a) **A recount for
 30 nomination to an office conducted under this chapter shall be
 31 completed not later than the final Friday in June following the
 32 primary.**

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

35 SECTION 57. IC 3-12-8-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **This section
 37 does not apply to a challenge filed before an election to the
 38 eligibility of a candidate nominated by petition for election to an
 39 office. The challenge described by this section must be conducted
 40 in accordance with IC 3-8-1-2.**

41 (b) Any candidate for nomination or election to a local or school
 42 board office may contest the nomination or election of a candidate who

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1 is declared nominated or elected to the office.

2 (b) (c) If a candidate who is entitled to contest the nomination or
3 election of a candidate under this chapter does not file a petition within
4 the period established by section 5 of this chapter, the county chairman
5 of a political party of which the candidate entitled to file a petition
6 under this chapter was a member may file a petition to contest the
7 nomination or election of a candidate. A county chairman is entitled to
8 contest an election under this chapter only in a partisan race.

9 SECTION 58. IC 3-12-8-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. An election may
11 be contested under section 1 of this chapter if a petitioner alleges that
12 one (1) of the following circumstances existed:

13 (1) The contestee was ineligible.

14 (2) A mistake occurred in the printing or distribution of ballots
15 used in the election that makes it impossible to determine which
16 candidate received the highest number of votes.

17 (3) A mistake occurred in the programming of a voting machine
18 or an electronic voting system, making it impossible to determine
19 the candidate who received the highest number of votes.

20 (4) A voting machine or an electronic voting system
21 malfunctioned, making it impossible to determine the candidate
22 who received the highest number of votes.

23 (5) **A deliberate act or series of actions occurred making it**
24 **impossible to determine the candidate who received the**
25 **highest number of votes cast in the election.**

26 SECTION 59. IC 3-12-8-6 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A petition
28 filed under section 5 of this chapter must state the following:

29 (1) That the petitioner desires to contest the nomination or
30 election to an office.

31 (2) The name **of each candidate as set forth on the ballot for**
32 **the election** and address of each candidate ~~at the election for the~~
33 ~~office involved:~~ **as set forth in the records of the county**
34 **election board or election division.**

35 (3) That the petitioner in good faith believes that **one (1) or more**
36 **of the following occurred:**

37 (A) The person declared nominated or elected does not comply
38 with a **specific** constitutional or statutory requirement **set**
39 **forth in the petition that is** applicable to a candidate for the
40 office.

41 (B) A mistake was made in the printing or distribution of
42 ballots **used in the election** that makes it impossible to

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- 1 determine which candidate received the highest number of
 2 votes cast in the election.
- 3 (C) A mistake occurred in the programming of a voting
 4 machine or an electronic voting system, making it impossible
 5 to determine the candidate who received the highest number
 6 of votes. ~~or~~
- 7 (D) A voting machine or an electronic voting system
 8 malfunctioned, making it impossible to determine the
 9 candidate who received the highest number of votes.
- 10 **(E) A deliberate act or series of actions occurred making**
 11 **it impossible to determine the candidate who received the**
 12 **highest number of votes cast in the election.**
- 13 (b) A petition stating that the petitioner believes that it is impossible
 14 to determine the candidate that received the highest number of votes
 15 for one (1) of the reasons ~~set forth~~ **described** in subsection ~~(a)~~
 16 **(a)(3)(B), (a)(3)(C), or (a)(3)(D)** must identify each precinct in which:
 17 (1) ballots:
 18 (A) containing the printing mistake; or
 19 (B) distributed by mistake;
 20 were cast;
 21 (2) a mistake occurred in the programming of a voting machine
 22 or an electronic voting system; or
 23 (3) a voting machine or an electronic voting system
 24 malfunctioned.
- 25 **(c) A petition stating that the petitioner believes that an act or**
 26 **series of actions described in subsection (a)(3)(E) occurred must**
 27 **identify each precinct or other location in which the act or series**
 28 **of actions occurred to the extent known to the petitioner.**
- 29 SECTION 60. IC 3-12-8-6.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 1999]: **Sec. 6.5. (a) Except as provided in subsection (b), the court**
 32 **in which a petition is filed may allow the petition or cross-petition**
 33 **to be amended at any time upon the terms and conditions that the**
 34 **court orders.**
- 35 **(b) The court may not allow a petition to be amended following**
 36 **the deadline for filing a petition under this chapter if the petition**
 37 **as originally filed:**
 38 **(1) failed to comply with this chapter; or**
 39 **(2) was not filed before the deadline specified in this chapter.**
- 40 SECTION 61. IC 3-12-8-22 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) The costs**
 42 **of a contest may include the following:**



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- 1 (1) Compensation of additional employees required to conduct the
 2 contest, including overtime payments to regular employees who
 3 are eligible to receive such payments.
 4 (2) Postage and telephone charges directly related to the contest.
 5 (b) The costs of a contest may not include the following:
 6 (1) General administrative costs.
 7 (2) Security.
 8 (3) Allowances for meals or lodging.
 9 **(c) The costs of a contest shall be paid from the county general
 10 fund without appropriation.**
 11 SECTION 62. IC 3-12-10-8 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The state board of
 13 accounts shall conduct any recount or other contest proceeding ordered
 14 by the state recount commission **in accordance with this article and
 15 guidelines adopted by the commission.**
 16 SECTION 63. IC 3-12-10-12 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The
 18 expenses of a recount ~~or contest~~ conducted by the state recount
 19 commission shall be paid from the state general fund **following the
 20 commission's determination whether a full or partial refund of the
 21 cash deposit should be granted under IC 3-12-11-10.**
 22 **(b) The expenses of a contest conducted by the state recount
 23 commission shall be paid from the state general fund.**
 24 **(c) A person (other than a party to a recount or contest) who
 25 claims reimbursement of expenses described by subsection (a) or
 26 (b) must submit a claim to the state recount commission not later
 27 than noon sixty (60) days after the commission adopts a final order
 28 concerning the recount or contest. If the commission approves the
 29 claim, the treasurer of state shall issue a warrant to the person in
 30 accordance with IC 5-13-5.**
 31 **(d) There is annually appropriated to the state recount
 32 commission an amount sufficient for the commission's use in the
 33 payment of expenses under this section.**
 34 SECTION 64. IC 3-12-11-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) Each petition for
 36 a recount filed under section 2 of this chapter must state the following:
 37 (1) The office for which the petitioner desires a recount.
 38 (2) The precincts in which the petitioner desires a recount.
 39 (3) That the individual is entitled to a recount under this chapter
 40 and that the nomination or election to office at issue was voted
 41 upon in the precincts specified.
 42 (4) The name **of the candidates as set forth on the ballot for the**

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- 1 **election** and address of the candidates **as set forth in the records**
 2 **of the election division.**
 3 (5) That the petitioner in good faith believes that the votes cast for
 4 nomination or election to the office at the election in the precincts
 5 were not correctly counted and returned.
 6 (6) That the petitioner desires a recount of all of the votes cast for
 7 nomination or election to the office in the precincts specified.
 8 (b) Each petition for a contest filed under section 2 of this chapter
 9 must state the following:
 10 (1) The nomination or election to office that the petitioner
 11 contests.
 12 (2) That the individual is entitled to contest an election or a
 13 nomination to office under this chapter.
 14 (3) The name **of the candidates as set forth on the ballot for the**
 15 **election** and address of each of the candidates **as set forth in the**
 16 **records of the election division.**
 17 (4) That the petitioner in good faith believes that **one (1) or more**
 18 **of the following occurred:**
 19 (A) The person declared nominated or elected does not comply
 20 with a **specific** constitutional or statutory requirement **set**
 21 **forth in the petition that is** applicable to a candidate for the
 22 office.
 23 (B) A mistake was made in the printing or distribution of
 24 ballots **used in the election** that makes it impossible to
 25 determine which candidate received the highest number of
 26 votes cast in the election.
 27 (C) A mistake occurred in the programming of a voting
 28 machine or an electronic voting system, making it impossible
 29 to determine the candidate who received the highest number
 30 of votes. **or**
 31 (D) A voting machine or an electronic voting system
 32 malfunctioned, making it impossible to determine the
 33 candidate who received the highest number of votes.
 34 (E) **A deliberate act or series of actions occurred making**
 35 **it impossible to determine the candidate who received the**
 36 **highest number of votes cast in the election.**
 37 (c) A petition stating that the petitioner believes that a mistake **in the**
 38 **printing or distribution of ballots described in subsection (b)(4)(B),**
 39 **(b)(4)(C), or (b)(4)(D)** has occurred must identify each precinct in
 40 which:
 41 (1) ballots:
 42 (A) containing the printing mistake; or



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- (B) distributed by mistake;
- were cast;
- (2) a mistake occurred in the programming of a voting machine or an electronic voting system; or
- (3) a voting machine or an electronic voting system malfunctioned.

(d) A petition stating that the petitioner believes that an act or series of actions described in subsection (b)(4)(E) occurred must identify each precinct or other location in which the act or series of actions occurred to the extent known to the petitioner.

SECTION 65. IC 3-12-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) **Except as provided in subsection (b) or (c)**, the state recount commission may allow a petition or cross-petition to be amended at any time upon the terms and conditions that the state recount commission orders. However;

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

- (1) failed to comply with section 3 or section 6 of this chapter;**
- or**
- (2) was not filed before the deadline specified in section 2 or section 4 of this chapter.**

(c) The commission may not allow a candidate who filed a petition or cross-petition to amend the petition or cross-petition by striking a precinct in which the candidate had desired a recount unless each opposing candidate consents to the amendment.

SECTION 66. IC 3-12-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) **Except as provided in subsection (d)**, the state recount commission shall grant the petitions and cross-petitions that have been filed and order the recount of the votes in the precincts upon:

- (1) the filing of a petition and cash deposit or bond under this chapter;
- (2) the expiration of the period under section 4 of this chapter for filing a cross-petition; and
- (3) proof of service of all notices.

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

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1 (1) the filing of a cash deposit or bond under this chapter; and
 2 (2) proof of service of all notices.
 3 (c) **Except as provided in subsection (d)**, the state recount
 4 commission shall grant a petition for a contest that has been filed and
 5 order a contest proceeding upon:
 6 (1) the filing of a petition under this chapter; and
 7 (2) proof of service of all notices.
 8 **(d) Whenever a motion to dismiss a petition or cross-petition for**
 9 **a recount or a petition for a contest is filed with the state recount**
 10 **commission or is made by a member of the commission, the**
 11 **commission shall rule on the motion to dismiss before ordering or**
 12 **continuing with a recount or a contest. The motion to dismiss must:**
 13 **(1) state that the petitioner or cross-petitioner has failed to**
 14 **comply with this chapter; and**
 15 **(2) specifically identify the requirement that the petitioner or**
 16 **cross-petitioner has failed to comply with.**
 17 SECTION 67. IC 3-13-1-10.5 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.5. (a) A person
 19 who wishes to be a candidate for appointment to fill a candidate
 20 vacancy under this chapter must file a declaration of candidacy on a
 21 form prescribed by the commission with:
 22 (1) the chairman of the caucus; and
 23 (2) the official who is required to receive a certificate of candidate
 24 selection following the caucus under section 15 of this chapter;
 25 at least seventy-two (72) hours before the time fixed for the caucus.
 26 (b) **The form prescribed under subsection (a) must include a**
 27 **statement that the candidate:**
 28 **(1) is aware of the provisions of IC 3-9 regarding campaign**
 29 **finance and the reporting of campaign finance contributions**
 30 **and expenditures; and**
 31 **(2) agrees to comply with the provisions of IC 3-9.**
 32 **The candidate must separately sign the statement required by this**
 33 **subsection.**
 34 (c) **The commission shall provide that the form prescribed**
 35 **under subsection (a) includes the following information near the**
 36 **separate signature:**
 37 **(1) The dates for filing campaign finance reports under**
 38 **IC 3-9.**
 39 **(2) The penalties for late filing of campaign finance reports**
 40 **under IC 3-9.**
 41 SECTION 68. IC 3-13-2-7 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The selection

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1 of a person as a candidate under this chapter is not effective unless:

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

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

5 (B) when the certificate is filed; and

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

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

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

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

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

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

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

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

23 SECTION 69. IC 3-14-3-18 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. **(a) As used in this
25 section, "candidate" includes an individual whom the person
26 knows is considering becoming a candidate.**

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

29 (1) seeks to enforce the payment of a debt by force or threat of
30 force;

31 (2) ejects or threatens to eject the voter **or candidate** from a
32 house the voter occupies;

33 (3) begins a criminal prosecution; or

34 (4) damages the business or trade of the voter **or candidate**;

35 commits a Class D felony.

36 SECTION 70. IC 5-6-4 IS ADDED TO THE INDIANA CODE AS
37 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
38 PASSAGE]:

39 **Chapter 4. Deputies of Officers in Political Subdivisions**

40 **Sec. 1. This chapter applies to a deputy of an officer of a
41 political subdivision.**

42 **Sec. 2. The definitions in IC 36-1-2 apply throughout this**

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1 **chapter.**

2 **Sec. 3. For purposes of Article 2, Section 9 of the Constitution**
 3 **of the State of Indiana, an appointed deputy of an officer of a**
 4 **political subdivision is not a lucrative office.**

5 SECTION 71. IC 33-2.1-8-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) As used in this
 7 chapter, "cause" means a trial, hearing, arraignment, controversy,
 8 appeal, case, or any business performed within the official duty of a
 9 justice, judge, or prosecuting attorney.

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

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

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

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

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

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

35 SECTION 72. IC 33-2.1-8-7 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The statement of
 37 economic interests must be filed with the commission:

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

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

42 (A) a declaration of candidacy, if required under IC 3-8-2 or



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1 IC 3-8-4-11;

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

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

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

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

9 (b) In a county where judges are selected by a county commission
10 on judicial qualifications, a candidate must file a statement with the
11 county commission and also with the commission on judicial
12 qualifications.

13 SECTION 73. IC 33-5-5.1-29 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) The Allen
15 County superior court consists of nine (9) judges. Two (2) judges serve
16 in the family relations division, three (3) judges serve in the criminal
17 division, and four (4) judges serve in the civil division. Each newly
18 elected or appointed judge assumes the division assignment of the
19 judge whom the judge replaces.

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

24 (c) During the period under IC 3-8-2-4 in which a declaration of
25 candidacy may be filed for a primary election, any person desiring to
26 become a candidate for one (1) of the Allen superior court judgeships
27 must file with the election division a declaration of candidacy adapted
28 from the form prescribed under IC 3-8-2 that:

29 (1) is signed by the candidate; and

30 (2) designates the division and the name of the incumbent judge
31 of the judgeship that the candidate seeks.

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

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

40 SECTION 74. IC 33-5-43.2-1 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The judge of
42 the Vanderburgh circuit court and each of the seven (7) judges of the

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1 Vanderburgh superior court shall be elected in nonpartisan elections
2 every six (6) years.

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

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

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

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

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

26 SECTION 75. IC 36-1-6-10 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) This section
28 applies to an ordinance adopted by a unit to establish executive, fiscal,
29 or legislative body election districts within the unit.

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

35 **(c) A reference in the ordinance to the boundary of a political**
36 **subdivision, a precinct boundary, or an election district boundary**
37 **refers to the precinct or boundary as the precinct or boundary**
38 **existed on the date of adoption of the ordinance. A change in the**
39 **boundary of a political subdivision, precinct, or election district**
40 **following the date of adoption of the ordinance does not alter the**
41 **boundaries of the election districts established by the ordinance.**

42 SECTION 76. P.L.3-1997, SECTION 473, IS AMENDED TO



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1 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
 2 114. (a) As used in this SECTION, "computer system" refers to the
 3 computer system described in IC 3-9-4-4.

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

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

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

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

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

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

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

21 SECTION 77. THE FOLLOWING ARE REPEALED [EFFECTIVE
 22 UPON PASSAGE]: IC 3-7-35-4; IC 3-8-7-9; IC 3-9-5-21; IC 3-11-3-7;
 23 IC 3-11-3-9; IC 3-11-15-35.

24 SECTION 78. IC 3-9-5-20 IS REPEALED [EFFECTIVE JULY 1,
 25 1999].

26 SECTION 79. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] (a)
 27 **This SECTION applies to a political action committee in existence**
 28 **on June 30, 1997, that is redefined as:**

29 (1) a legislative caucus committee; or

30 (2) a national party affiliate committee;

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

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

36 (c) A legislative caucus committee under this SECTION shall
 37 file a statement of organization with the election division not later
 38 than January 21, 2000, reflecting the committee's status as a
 39 legislative caucus committee.

40 (d) This SECTION expires December 31, 2000.

41 SECTION 80. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] (a)
 42 **Notwithstanding IC 3-9-1-23, as amended by P.L.3-1997,**



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1 SECTION 176, before January 1, 1998, the treasurer of a
2 committee listed in IC 3-9-1-1(a) is required only to keep an
3 account of the items that were required under IC 3-9-1-23 before
4 the amendment to IC 3-9-1-23 took effect July 1, 1997.

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

10 (c) This SECTION expires December 31, 1999.

11 SECTION 81. [EFFECTIVE UPON PASSAGE] (a) This
12 SECTION applies to expenses incurred for a contest or recount
13 conducted by the state recount commission after January 1, 1986,
14 and before January 1, 1999.

15 (b) A person (other than a party to a contest or recount) who
16 claims reimbursement of expenses described by subsection (a) must
17 submit a claim to the state recount commission not later than noon,
18 August 1, 1999. If the commission votes to approve the claim, the
19 treasurer of state shall issue a warrant to the person in accordance
20 with IC 5-13-5.

21 (c) There is appropriated to the state recount commission ten
22 thousand dollars (\$10,000) from the state general fund for its use
23 in the payment of expenses under this SECTION beginning July 1,
24 1999, and ending January 1, 2000.

25 (d) This SECTION expires January 1, 2000.

26 SECTION 82. An emergency is declared for this act.

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