

SENATE BILL No. 523

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-6-36; IC 3-7-12-3; IC 3-8; IC 3-13-1; IC 3-14-1-6.

Synopsis: Various election matters. Provides that a uniformed police officer may serve as an absentee ballot courier. Increases the population threshold at which a board of registration is established in a county from 125,000 to 200,000. Provides that a board of registration existing under the lower threshold continues unless the county election board votes, by a unanimous vote of its members, to abolish the board of registration. Provides that a declaration of intent to be a write-in candidate and a petition of nomination must be filed not later than noon on the date that is the deadline for filing a declaration of candidacy for a primary election. Provides that filling an early candidate vacancy may not be delegated to a committee other than a caucus of precinct committeemen and vice committeemen.

Effective: July 1, 1999.

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January 19, 1999, read first time and referred to Committee on Elections.

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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. 523



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

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

- 1 SECTION 1. IC 3-6-6-36 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 1999]: Sec. 36. (a) As used in this section, "law
- 3 enforcement officer" means a:
- 4 (1) police officer;
- 5 (2) sheriff;
- 6 (3) constable;
- 7 (4) marshal; or
- 8 (5) a deputy of any of those persons.
- 9 (b) Law enforcement officers of the state and of political
- 10 subdivisions may not come within fifty (50) feet of the polls, except to
- 11 **do any of the following:**
- 12 (1) To serve process of court.
- 13 (2) To vote.
- 14 (3) **To be present** when summoned by the election sheriffs. ~~or~~
- 15 (4) To serve as a pollbook holder.
- 16 (5) **To serve as an absentee ballot courier appointed under**
- 17 **IC 3-11.5-4-22.**



1 SECTION 2. IC 3-7-12-3 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A board of registration is
 3 established in each county having a population of more than ~~one two~~
 4 hundred ~~twenty-five~~ thousand (~~125,000~~): **(200,000)**.

5 **(b) This subsection applies only to a county in which a board of**
 6 **registration was established under this section before July 1, 1999.**
 7 **The county continues to have a board of registration after June 30,**
 8 **1999. However, the county election board may, by a unanimous**
 9 **vote of its members, abolish the board of registration at any time.**
 10 **If a board of registration is abolished under this subsection, the**
 11 **following apply:**

12 (1) **The circuit court clerk:**

13 (A) **is the voter registration officer of the county; and**

14 (B) **shall supervise the registration of voters of the county.**

15 (2) **A board of registration abolished under this subsection**
 16 **may be reestablished under section 4 of this chapter.**

17 SECTION 3. IC 3-8-2-4 IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A declaration of candidacy
 19 for a primary election must be filed ~~no not~~ later than noon seventy-four
 20 (74) days and ~~no not~~ earlier than one hundred four (104) days before
 21 the primary election. The declaration must be subscribed and sworn to
 22 before a person authorized to administer oaths.

23 (b) A declaration of intent to be a write-in candidate must be filed
 24 not later than noon ~~five (5) days before the final date for the delivery~~
 25 ~~of absentee ballots under IC 3-11-4-15 and not earlier than ninety (90)~~
 26 ~~days before a general election: on the date set by subsection (a) as the~~
 27 **deadline for filing a declaration of candidacy for a primary**
 28 **election.** The declaration must be subscribed and sworn to before a
 29 person authorized to administer oaths.

30 (c) During a year in which a federal decennial census, federal
 31 special census, special tabulation, or corrected population count
 32 becomes effective under IC 1-1-3.5, a declaration of:

33 (1) **candidacy may be filed for an office that will appear on the**
 34 **primary election ballot; or**

35 (2) **intent to be a write-in candidate for an office that will appear**
 36 **on the general, municipal, or school board election ballot;**

37 **that year as a result of the new tabulation of population or corrected**
 38 **population count.**

39 SECTION 4. IC 3-8-6-10 IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) Except as provided in
 41 section 11 of this chapter, a petition of nomination must be submitted
 42 to the county voter registration office of each county in which the



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1 election district is located.

2 (b) The petition must be:

3 (1) filed during the period beginning January 1 of the year in
4 which the election will be held and ending at noon ~~July 15 on the~~
5 **date set by IC 3-8-2-4(a) as the deadline for filing a**
6 **declaration of candidacy for a primary election** before the
7 election; and

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

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

19 (d) During a year in which a federal decennial census, federal
20 special census, special tabulation, or corrected population count
21 becomes effective under IC 1-1-3.5, a petition of nomination may be
22 filed for an office that will appear on the primary election ballot that
23 year as a result of the new tabulation of population or corrected
24 population count.

25 SECTION 5. IC 3-13-1-6 IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) ~~Except as provided in~~

27 ~~subsection (b)~~; A candidate vacancy for a local office shall be filled by
28 ~~(1) a caucus comprised of the precinct committeemen and vice~~
29 ~~committeemen who are eligible to participate under section 10 of~~
30 ~~this chapter. or~~

31 ~~(2) the county chairman of the political party or a caucus~~
32 ~~comprised of the chairman, vice chairman, secretary, and~~
33 ~~treasurer of the county committee of the party; if:~~

34 ~~(A) authorized to fill vacancies under this chapter by majority~~
35 ~~vote of the county committee; and~~

36 ~~(B) the election district for the local office is entirely within~~
37 ~~one (1) county.~~

38 (b) A candidate vacancy for the office of circuit court judge or
39 prosecuting attorney in a circuit having more than one (1) county shall
40 be filled by a caucus comprised of the precinct committeemen and vice
41 committeemen who constitute the county committees of the political
42 party for all of the circuit.



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1 SECTION 6. IC 3-13-1-8 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 1999]: Sec. 8. A meeting under section 7 of this
 3 chapter shall be called and chaired by:

4 (1) the state chairman, or a person designated by the state
 5 chairman, for a caucus or committee acting under section 3, 4, 5,
 6 or 6(b) of this chapter; or

7 (2) the county chairman of the county in which the greatest
 8 percentage of the population of the election district is located, for
 9 a caucus ~~or committee~~ acting under section 6(a) of this chapter.

10 SECTION 7. IC 3-13-1-15 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) ~~A county~~
 12 ~~chairman filling a candidate vacancy under section 6(a)(2) of this~~
 13 ~~chapter or~~ The chairman of a meeting filling a candidate vacancy under
 14 this chapter shall file a written certificate of candidate selection on a
 15 form prescribed by the commission stating the name and address of
 16 each candidate selected to **the following:**

17 (1) The election division ~~for:~~ **if the vacancy was filled under:**

18 (A) ~~a committee acting under~~ section 3, 4, 5, or 6(b) of this
 19 chapter; or

20 (B) ~~a committee acting under~~ section 6(a) of this chapter to fill
 21 a candidate vacancy in the office of judge of a circuit, superior,
 22 probate, county, or small claims court or prosecuting attorney;
 23 or

24 (2) The circuit court clerk, for a committee acting under section
 25 6(a) of this chapter to fill a candidate vacancy for a local office
 26 not described in subdivision (1).

27 (b) This subsection applies to a candidate vacancy resulting from a
 28 vacancy on the primary election ballot as described in section 2 of this
 29 chapter. The certificate required by subsection (a) shall be filed not
 30 later than noon, August 4, before election day.

31 (c) This subsection applies to all candidate vacancies not described
 32 by subsection (b). The certificate required by subsection (a) shall be
 33 filed not more than three (3) days (excluding Saturdays and Sundays)
 34 after selection of the candidates.

35 SECTION 8. IC 3-14-1-6 IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) A state police department
 37 employee or a police officer or firefighter (including a special duty,
 38 auxiliary, or volunteer police officer or firefighter) of a political
 39 subdivision who recklessly:

40 (1) solicits votes or campaign funds;

41 (2) challenges voters; or

42 (3) performs any other election related function;



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1 while wearing any identifying insignia or article of clothing that is part
2 of an official uniform or while on duty commits a Class A
3 misdemeanor.

- 4 (b) This section does not prohibit **any of the following:**
- 5 (1) A state police department civilian employee from voting while
- 6 on duty.
- 7 (2) A police officer or firefighter from voting while wearing any
- 8 part of an official uniform or while on duty.
- 9 (3) An individual described in subsection (a) from consenting to
- 10 a photograph (or other visual depiction) of the individual wearing
- 11 any part of the individual's official uniform appearing in an
- 12 advertisement in support of a candidate or political party. ~~or~~
- 13 (4) An individual from serving as a pollbook holder under
- 14 IC 3-6-6-36.
- 15 (5) **A police officer wearing any identifying insignia or article**
- 16 **of clothing that is part of an official uniform or while on duty**
- 17 **from serving as an absentee ballot courier appointed under**
- 18 **IC 3-11.5-4-22.**

19 SECTION 9. IC 3-13-1-13 IS REPEALED [EFFECTIVE JULY 1,
20 1999].

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