

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1440 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-8-1-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section
5 does not apply to a candidate for any of the following offices:
6 (1) Judge of a city court. ~~in a city located in a county having a~~
7 ~~population of:~~
8 ~~(A) more than four hundred thousand (400,000) but less~~
9 ~~than seven hundred thousand (700,000); or~~
10 ~~(B) more than two hundred thousand (200,000) but less~~
11 ~~than three hundred thousand (300,000);~~
12 ~~(2) judge of a city court in a third class city; or~~
13 ~~(3) (2) Judge of a town court.~~
14 (b) A person is not qualified to run for:
15 (1) a state office;
16 (2) a legislative office;
17 (3) a local office; or
18 (4) a school board office;
19 unless the person is registered to vote in the election district the person
20 seeks to represent not later than the deadline for filing the declaration
21 or petition of candidacy or certificate of nomination.
22 (c) If a candidate filing error is made by the election division or a
23 circuit court clerk, the error does not invalidate the filing.
24 SECTION 2. IC 3-8-1-1.5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) This
26 section applies to a candidate for any of the following offices:
27 (1) Judge of a city court in a city located in a county having a
28 population of
29 ~~(A) more than four hundred thousand (400,000) but less~~
30 ~~than seven hundred thousand (700,000); or~~
31 ~~(B) more than two hundred thousand (200,000) but less~~
32 ~~than three hundred thousand (300,000).~~

1 ~~(2)~~ Judge of a city court in a third class city.
2 ~~(3)~~ (2) Judge of a town court.
3 (b) A person is not qualified to run for an office subject to this
4 section unless **not later than the deadline for filing the declaration**
5 **or petition of candidacy or certificate of nomination** the person is
6 registered to vote in a county in which the municipality is located.
7 SECTION 3. IC 3-8-1-28.5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.5. (a) This
9 section does not apply to a candidate for the office of judge of a city
10 court in a city located in a county having a population of more than two
11 hundred thousand (200,000) but less than three hundred thousand
12 (300,000).
13 (b) A candidate for the office of judge of a city court must reside
14 in the city upon filing a declaration of candidacy **or declaration of**
15 **intent to be a write-in candidate** required under IC 3-8-2, ~~or~~ a petition
16 of nomination under IC 3-8-6, **or a certificate of nomination under**
17 **IC 3-10-6-12.**
18 (c) A candidate for the office of judge of a city court must reside
19 in ~~the a~~ **a county in which the city is located** upon the filing of a
20 certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.
21 (d) **This subsection applies to a candidate for the office of**
22 **judge of a city court listed in IC 33-10.1-5-7(c). Before a candidate**
23 **for the office of judge of the court may file a:**
24 (1) **declaration of candidacy or petition of nomination;**
25 (2) **certificate of candidate selection under IC 3-13-1-15 or**
26 **IC 3-13-2-8; or**
27 (3) **declaration of intent to be a write-in candidate or**
28 **certificate of nomination under IC 3-8-2-2.5 or**
29 **IC 3-10-6-12;**
30 **the candidate must be an attorney in good standing admitted to the**
31 **practice of law in Indiana.**
32 SECTION 4. IC 3-8-1-29.5 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 29.5. (a) **This section applies to a candidate**
35 **for the office of judge of a town court listed in IC 33-10.1-5-7(c).**
36 (b) **Before a candidate for the office of judge of the court may**
37 **file a:**
38 (1) **declaration of candidacy or petition of nomination;**
39 (2) **certificate of candidate selection under IC 3-13-1-15 or**
40 **IC 3-13-2-8; or**
41 (3) **declaration of intent to be a write-in candidate or**
42 **certificate of nomination under IC 3-8-5-13 or**
43 **IC 3-10-6-12;**
44 **the candidate must be an attorney in good standing admitted to the**
45 **practice of law in Indiana."**
46 Page 2, between lines 2 and 3, begin a new paragraph and insert:
47 "SECTION 6. IC 5-4-1-4 IS AMENDED TO READ AS
48 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The copy of the
49 oath under section 2 of this chapter shall be deposited by the person as
50 follows:
51 (1) Of all officers whose oath is endorsed on the commission and

- 1 whose duties are not limited to a particular county, in the office
- 2 of the secretary of state.
- 3 (2) Of county officers, and constables of a small claims court, in
- 4 the circuit court clerk's office of the county.
- 5 (3) Of county council members, officers appointed by the board
- 6 of county commissioners, and township officers that the board
- 7 may require to do so, with the county auditor.
- 8 (4) Of township board members, with the township trustee.
- 9 (5) Of city officers, in the office of the clerk of the city-county
- 10 council, city clerk, or city clerk-treasurer.
- 11 (6) Of deputies of the surveyor, in a book kept by the surveyor
- 12 for this purpose.
- 13 (7) Of town officers, in the office of the town clerk-treasurer.
- 14 (8) Of a justice, judge, or prosecuting attorney, in the office of
- 15 the secretary of state.
- 16 (9) Of a deputy prosecuting attorney, in the office of the clerk of
- 17 the circuit court of the county in which the deputy prosecuting
- 18 attorney resides **or serves**.
- 19 (10) Of a school board member, in the circuit court clerk's office
- 20 of the county containing the greatest percentage of population of
- 21 the school corporation."

22 Page 3, between lines 36 and 37, begin a new paragraph and
 23 insert:

24 "SECTION 13. IC 33-14-1-1.5 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 26 [EFFECTIVE UPON PASSAGE]: **1.5. (a) This section does not apply**
 27 **to a deputy prosecuting attorney appointed by a prosecuting**
 28 **attorney or a special prosecutor appointed by a court.**
 29 **(b) To be eligible to hold office as a prosecuting attorney, a**
 30 **person must be a resident of the judicial circuit that the person**
 31 **serves. "**

32 Page 4, after line 4, begin a new paragraph and insert:
 33 "SECTION 16. **An emergency is declared for this act.**"
 34 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1440 as printed March 19, 1999.)

Senator LANDSKE