

## CONFERENCE COMMITTEE REPORT DIGEST FOR SB 109

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

**Synopsis:** Various elections matters. Conference committee report for ESB 109. Makes the following changes in election law: (1) Amends certain definitions relating to campaign finance. (2) Changes the name and certain provisions relating to employees of the Lake County combined county election board and board of registration. Provides that the board may hire attorneys to provide legal services for the board. (3) Makes various changes in the appointment and duties of precinct election officers, including permitting certain precinct election officers to serve for a half day. (4) Makes various changes relating to voter registration procedures. (5) Makes several changes in procedures for certification of election results and for election recounts, challenges, and contests. (6) Makes changes relating to declaration of candidacy for judicial offices. (7) Makes changes relating to disbanding of the political committees, including provisions for administrative disbanding of committees. (8) Defines when a political contribution is considered received by a political committee. (9) Makes changes relating to filing of campaign finance reports. (10) Makes changes relating to the formatting, testing, and handling of certain kinds of ballot systems. (11) Makes changes relating to the ability of a voter to vote in the precinct from which the voter moved. (12) Establishes the state recount fund to receive, hold, and pay expenses relating to recounts, challenges, and contests. Appropriates sufficient funds to pay for expenses relating to election recounts, challenges, and contests. (13) Requires a candidate vacancy on a general election ballot for certain offices to be filled not later than 35 days after a primary election. (Under current law, the vacancy must be filled not later than August 1, which would still be the case for most local offices.) Provides that a candidate vacancy that occurs due to the withdrawal of a candidate may be filled not later than 30 days after the vacancy occurs, regardless of the reason the candidate has withdrawn. (Under current law, a candidate vacancy that occurs because of the death of a candidate, withdrawal of a candidate who has moved from the election district, disqualification of a candidate, or under certain judicial orders may be filled not later than 30 days after the vacancy occurs.) (14) Provides that a criminal statute providing penalties for certain actions to influence a voter applies to the same actions intended to influence a candidate. (15) Makes changes relating to taking and filing oaths of office. (16) Provides that an appointed deputy of an officer of a political subdivision or a judicial circuit does not hold a lucrative office. (17) Removes a term limit provision in the statute relating to the Hammond school board. (18) Repeals obsolete statutes. (19) Makes other technical changes. (This conference committee report makes the following changes: (a) Inserts into the bill the campaign finance provisions from ESB 294. (b) Inserts the provisions of SB 523 concerning absentee ballot

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

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

# CONFERENCE COMMITTEE REPORT

**MR. PRESIDENT:**

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

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

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

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

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

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

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

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

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

51 SECTION 6. IC 3-6-5.2-5 IS AMENDED TO READ AS

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

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

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

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

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

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

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

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

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

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

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

51 SECTION 10. IC 3-6-6-1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as  
 2 otherwise provided by law, each county election board shall appoint a  
 3 precinct 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 11. IC 3-6-6-2 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each county  
 16 election board shall appoint two (2) poll clerks for each precinct in the  
 17 county.

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

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

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

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

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

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

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

36 (17) years of age; and

37 (2) a resident of the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **precinct office under this section.**

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

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

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

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

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

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

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

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

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

41 **Chapter 10. General Provisions**

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

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

- 51 (1) **Seek to influence an applicant's political preference or**

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

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

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

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

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

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

- 51 (b) This subsection does not apply to a request made by the

1 **state chairman of a political party whose nominee received at least**  
 2 **two percent (2%) of the total vote cast for secretary of state at the**  
 3 **most recent election for secretary of state.** The co-directors **may**  
 4 **shall** require a person who requests more than ten thousand (10,000)  
 5 registration forms to submit a voter registration program plan to the  
 6 NVRA official to document the person's need for the desired number  
 7 of forms.

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

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

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

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

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

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

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

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

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

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

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

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

51 (6) A declaration of intent to be a write-in candidate under

1 IC 3-8-2-2.5.

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

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

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

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

- 24 **(1) The eligibility of the candidate was challenged under this**  
25 **section before the candidate was nominated.**  
26 **(2) The commission or board conducted a hearing on the**  
27 **affidavit before the nomination.**  
28 **(3) This challenge would be based on substantially the same**  
29 **grounds as the previous challenge to the candidate.**

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

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

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

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

- 46 (1) gave or offered a bribe, threat, or reward to procure the  
47 person's election, as provided in Article 2, Section 6 of the  
48 Constitution of the State of Indiana;  
49 (2) does not comply with IC 5-8-3 **because of a conviction for**  
50 **a violation of the federal laws listed in that statute;**  
51 (3) has:

- 1 (A) entered a plea of guilty or nolo contendere to; or  
 2 (B) been convicted of;  
 3 a felony (as defined in IC 35-50-2-1);  
 4 (4) has been removed from the office the candidate seeks under  
 5 Article 7, Section 11 or Article 7, Section 13 of the Constitution  
 6 of the State of Indiana; ~~or~~  
 7 (5) is a member of the United States armed forces on active duty  
 8 and prohibited by the United States Department of Defense from  
 9 being a candidate; **or**

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

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

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

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

16 SECTION 27. IC 3-8-1-5.5, AS AMENDED BY HEA 1079-1999,  
 17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23,  
 18 1999 (RETROACTIVE)]: Sec. 5.5. (a) Except as provided in  
 19 IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a ticket, a  
 20 person who:

- 21 (1) is defeated in a primary election;  
 22 (2) appears as a candidate for nomination at a ~~state~~ convention  
 23 and is defeated; ~~or~~  
 24 (3) files a declaration of candidacy for nomination by a county,  
 25 city, or town convention and is defeated; **or**  
 26 **(4) files a declaration of candidacy for nomination by a**  
 27 **caucus conducted under IC 3-13-1 or IC 3-13-2 and is**  
 28 **defeated;**

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

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

- 32 (1) a candidate for an at-large seat on a fiscal body is considered  
 33 a candidate for the same office as a candidate for a district seat  
 34 on a fiscal body; and  
 35 (2) a candidate for United States representative from a district in  
 36 Indiana is considered a candidate for the same office as a  
 37 candidate for any other congressional district in Indiana.

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

40 SECTION 28. IC 3-8-1-5.7 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.7. (a) Except as  
 42 expressly provided by law, a candidate for selection under **IC 3-13-5**  
 43 **or IC 3-13-11** for an appointment pro tempore to an office must comply  
 44 with the requirements imposed under this chapter on a candidate for  
 45 election to the office.

46 (b) If a town council member:

- 47 (1) was elected or selected as a candidate from a town council  
 48 district; and  
 49 (2) served on a council that subsequently adopted an ordinance  
 50 under IC 36-5-2-4.1 abolishing town council districts;

51 a candidate for selection for an appointment pro tempore to succeed the

1 town council member is not required to reside within the district  
2 formerly represented by the town council member.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (b) A person may file both:

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

50 (2) a written request under IC 3-8-3-1 that the person's name be  
51 placed on the ballot in a primary election as a candidate for

1 nomination for the office of President of the United States.

2 (c) A person may not file:

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

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

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

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

17 (b) The petition must be

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

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

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

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

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

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

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

46 (2) A statement that the candidate:

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

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

51 The candidate must separately sign the statement required by

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41           (b) A candidate who:

42           (1) is:

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

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

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

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

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

49           may file a statement setting forth the former and current name of the  
 50           candidate with the office where a declaration of candidacy or certificate  
 51           of nomination for the office is required to be filed. **If the final date**

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

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

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

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

17 (1) The name and address of the committee.

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

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

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

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

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

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

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

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

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

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

45 (1) **A candidate's committee for state office.**

46 (2) **A candidate's committee for legislative office.**

47 (3) **A legislative caucus committee.**

48 (4) **A political action committee that has filed a statement or**  
 49 **report with the election division.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38          (4) The commission or board may issue an order  
39 administratively dissolving the committee and waiving any  
40 outstanding civil penalty previously imposed by the  
41 commission or board, if the commission or board makes the  
42 following findings:

43           (A) There is no evidence that the committee continues to  
44 receive contributions, make expenditures, or otherwise  
45 function as a committee.

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

49           (C) According to the best evidence available to the  
50 commission or board, the dissolution of the committee  
51 will not impair any contract or impede the collection of

- 1                    **a debt or judgment by any person.**
- 2                    **(5) The election division shall arrange for the publication in**
- 3                    **the Indiana Register of an order administratively disbanding**
- 4                    **a committee. A county election board shall publish a notice**
- 5                    **under IC 5-3-1 stating that the board has disbanded a**
- 6                    **committee under this subsection. The notice must state the**
- 7                    **date of the order and the name of the committee, but the**
- 8                    **board is not required to publish the text of the order.**
- 9                    **(6) An order issued under this subsection takes effect**
- 10                   **immediately upon its adoption, unless otherwise specified in**
- 11                   **the order.**
- 12                   **(f) If the chairman or treasurer of a committee wishes to**
- 13                   **disband the committee, the committee must do either of the following:**
- 14                   (1) Give written notification of the dissolution and transfer a
- 15                   surplus of contributions less expenditures to any one (1) or a
- 16                   combination of the following:
- 17                   (A) One (1) or more regular party committees.
- 18                   (B) One (1) or more candidate's committees.
- 19                   (C) The election division.
- 20                   (D) An organization exempt from federal income taxation
- 21                   under Section 501 of the Internal Revenue Code.
- 22                   (E) Contributors to the committee, on a pro rata basis.
- 23                   (2) Use the surplus in any other manner permitted under
- 24                   IC 3-9-3-4.
- 25                   **(g) Except as provided in subsection (e) concerning the waiver**
- 26                   **of civil penalties, a dissolution and or transfer of funds does not**
- 27                   **relieve the committee or its the committee's members from civil or**
- 28                   **criminal liability.**
- 29                   SECTION 39. IC 3-9-1-25 IS AMENDED TO READ AS
- 30                   FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A member
- 31                   of a committee that has appointed a treasurer in accordance with this
- 32                   chapter may solicit or receive contributions as long as the member
- 33                   immediately turns over the contributions without diminution to the
- 34                   treasurer of the committee, to be disbursed and accounted for by the
- 35                   treasurer as provided by this article. The treasurer shall show, in the
- 36                   treasurer's account and statement and in addition to the requirements
- 37                   of IC 3-9-5, through what member of the committee any contributions
- 38                   were received.
- 39                   **(b) A contribution is considered to be received and accepted by**
- 40                   **a committee when any member of the committee:**
- 41                   **(1) has physical possession of the contribution; and**
- 42                   **(2) manifests an intent to keep the contribution by depositing**
- 43                   **the contribution, subject to IC 3-9-5-14(c).**
- 44                   SECTION 40. IC 3-9-1-25.5 IS ADDED TO THE INDIANA
- 45                   CODE AS A NEW SECTION TO READ AS FOLLOWS
- 46                   [EFFECTIVE UPON PASSAGE]: Sec. 25.5. For purposes of this
- 47                   article, a person makes a contribution during the calendar year in
- 48                   which the person relinquishes control over the contribution by:
- 49                   (1) depositing the contribution in the United States mail; or
- 50                   (2) transferring the contribution to any other person who has
- 51                   been directed to convey the contribution to the person

- 1           **intended to be the recipient of the contribution.**  
2           SECTION 41. IC 3-9-2-13 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. An individual  
4           may not ~~make~~ **solicit** or receive a contribution in violation of the  
5           following statutes:  
6           (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).  
7           (2) IC 4-23-7.1-38 (Indiana State Library).  
8           (3) IC 4-23-7.2-17 (Indiana Historical Bureau).  
9           (4) IC 8-23-2-3 (Indiana Department of Transportation).  
10          (5) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural  
11          Resources).  
12          SECTION 42. IC 3-9-3-2.5, AS AMENDED BY HEA 1079-1999,  
13          IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23,  
14          1999 (RETROACTIVE)]: Sec. 2.5. (a) This section does not apply to  
15          any of the following:  
16          (1) A communication relating to an election to a federal office.  
17          (2) A communication relating to the outcome of a public  
18          question.  
19          (3) A communication **described by this section** in a medium  
20          regulated by federal law **to the extent that federal law**  
21          **regulates the appearance, content, or placement of the**  
22          **communication in the medium.**  
23          (4) Bumper stickers, pins, buttons, pens, and similar small items  
24          upon which the disclaimer required by this section cannot be  
25          conveniently printed.  
26          (5) Skywriting, water towers, wearing apparel, or other means of  
27          displaying an advertisement on which the inclusion of a  
28          disclaimer would be impracticable.  
29          (6) Checks, receipts, and similar items of minimal value that do  
30          not contain a political message and are used for purely  
31          administrative purposes.  
32          (7) A communication by a political action committee organized  
33          and controlled by a corporation soliciting contributions to the  
34          political action committee by the stockholders, executives, or  
35          employees of the corporation and the families of those  
36          individuals.  
37          (8) A communication by a political action committee organized  
38          and controlled by a labor organization soliciting contributions to  
39          the political action committee by the members or executive  
40          personnel of the labor organization and the families of those  
41          individuals.  
42          (9) A direct mailing of one hundred (100) or less substantially  
43          similar pieces of mail.  
44          (b) This section applies whenever a person:  
45          (1) makes an expenditure for the purpose of financing  
46          communications expressly advocating the election or defeat of  
47          a clearly identified candidate; or  
48          (2) solicits a contribution;  
49          through a newspaper, a magazine, an outdoor advertising facility, a  
50          poster, a yard sign, a direct mailing, or any other type of general public  
51          political advertising.

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

- 3 (1) The name of the candidate involved appears.  
4 (2) A photograph or drawing of the candidate appears.  
5 (3) The identity of the candidate is apparent by unambiguous  
6 reference.

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

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

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

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

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

- 24 (A) a candidate;  
25 (B) an authorized political committee of a candidate; or  
26 (C) the committee's agents;

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

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

- 31 (A) a candidate;  
32 (B) an authorized political committee of a candidate; or  
33 (C) the committee's agents;

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

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

- 38 (A) a candidate;  
39 (B) an authorized political committee of a candidate; or  
40 (C) the committee's agents;

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

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

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

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

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

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

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

11 SECTION 43. IC 3-9-4-4 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:

13 Sec. 4. (a) The election division shall develop a filing **and** coding **and**  
 14 ~~cross-indexing~~ system consistent with the purposes of this article. The  
 15 election division and each county election board shall use the filing  
 16 **and** coding **and** ~~cross-indexing~~ system. The coding system must  
 17 provide:

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

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

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

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

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

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

33 (A) Legislative office.

34 (B) State office.

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

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

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

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 44. 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  
 12 ~~have~~

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

14 (2) Give the following notices:

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

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

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

32 (b) The election division shall mail:

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

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

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

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

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

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

- 1           **special** election.
- 2           (3) The annual report filed and dated as required by section 10
- 3           of this chapter.
- 4           (b) **In the case of a special election, each committee, each**
- 5           **committee's treasurer, and each candidate shall complete a report**
- 6           **required by this chapter current as of twenty-five (25) days before the**
- 7           **special election. This subsection applies to a regular party**
- 8           **committee. Except as otherwise provided in this chapter, each**
- 9           **committee and the committee's treasurer shall complete a report**
- 10           **required by this chapter current and dated as of the following**
- 11           **dates:**
- 12               (1) **Twenty-five (25) days before a primary election.**
- 13               (2) **Twenty-five (25) days before a general, municipal, or**
- 14               **special election.**
- 15               (3) **The date of the annual report filed and dated as required**
- 16               **under section 10 of this chapter.**
- 17           (c) **This subsection applies to a legislative caucus committee.**
- 18           **Except as otherwise provided in this chapter, each committee and**
- 19           **the committee's treasurer shall complete a report required under**
- 20           **this chapter current and dated as of the following dates:**
- 21               (1) **Twenty-five (25) days before a primary election**
- 22               **conducted in an even-numbered year.**
- 23               (2) **Twenty-five (25) days before a general election conducted**
- 24               **in an even-numbered year.**
- 25               (3) **The date of the annual report filed and dated as required**
- 26               **under section 10 of this chapter.**
- 27           **A legislative caucus committee is not required to file any report**
- 28           **concerning the committee's activity during an odd-numbered year**
- 29           **other than the annual report filed and dated under section 10 of**
- 30           **this chapter.**
- 31           (d) **This subsection applies to a political action committee.**
- 32           **Except as otherwise provided in this chapter, each committee and**
- 33           **the committee's treasurer shall complete a report required by this**
- 34           **chapter current and dated as of the following dates:**
- 35               (1) **Twenty-five (25) days before a primary election.**
- 36               (2) **Twenty-five (25) days before a general, municipal, or**
- 37               **special election.**
- 38               (3) **The date of the annual report filed and dated as required**
- 39               **under section 10 of this chapter.**
- 40           SECTION 47. IC 3-9-5-7 IS AMENDED TO READ AS
- 41           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **Persons A**
- 42           **person** may deliver reports to the appropriate office as follows:
- 43               (1) By hand.
- 44               (2) By mail.
- 45               (3) By electronic mail, if the appropriate office has the capacity
- 46               to:
- 47                   (A) receive electronic mail; **and**
- 48                   (B) **print out a hard copy of the report immediately**
- 49                   **upon the receipt of the electronic mail by the office.**
- 50           (b) Reports must be filed as follows:
- 51               (1) **Hand delivered reports or reports transmitted by mail** must

1 be ~~received by~~ **filed with** the appropriate office during regular  
 2 office hours not later than noon seven (7) days after the date of  
 3 the report.

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

7 ~~(3) Reports that are mailed must be postmarked not later than~~  
 8 ~~noon seven (7) days after the date of the report.~~

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

16 **(d) An office is not required to accept a report or statement**  
 17 **required under this article by facsimile transmission. Upon**  
 18 **approval of a policy by the commission or a county election board**  
 19 **to receive reports or statements by facsimile transmission, the**  
 20 **election division or the county election board may accept the**  
 21 **facsimile transmission of a report or statement.**

22 SECTION 48. IC 3-9-5-8 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section**  
 24 **applies to** a candidate for nomination to an office in a state convention  
 25 who

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

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

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

38 SECTION 49. IC 3-9-5-8.2 IS ADDED TO THE INDIANA CODE  
 39 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 40 **UPON PASSAGE]: Sec. 8.2. (a) This section applies to a candidate**  
 41 **who is nominated by petition under IC 3-8-6.**

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

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

47 SECTION 50. IC 3-9-5-8.4 IS ADDED TO THE INDIANA CODE  
 48 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 49 **UPON PASSAGE]: Sec. 8.4. (a) This section applies to a candidate**  
 50 **who files a declaration of intent to be a write-in candidate under**  
 51 **IC 3-8-2.**

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

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

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

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

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

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

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

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

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

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

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

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

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

45           (A) The full name of the person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (4) The amount of the contribution.

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

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

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

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

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

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

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

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

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

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

11 (1) initials; or

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

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

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

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

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

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

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

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

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

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

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

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

50 (b) The circuit court clerk shall, not later than **noon** on the  
 51 Monday following the primary election, send to the election division by

1 certified mail or hand deliver to the election division one (1) complete  
2 copy of all returns for these candidates.

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

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

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

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

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

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

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

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

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

34 ~~(c)~~ (f) If:

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

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

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

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

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

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

51 (3) **there is no contest for nomination to an office to be voted**

1           **on by all voters of the political party of the municipality.**  
 2           **The county election board may, by unanimous vote of the entire**  
 3           **membership of the board, adopt a resolution providing that a**  
 4           **primary election for the party will be held only in the legislative**  
 5           **body election districts in which voters will nominate candidates**  
 6           **under subdivision (2). The names of unopposed candidates for the**  
 7           **party's nomination for an office to be voted on by all voters of the**  
 8           **municipality may not be placed on the ballot used within the**  
 9           **election districts for the nomination of candidates under this**  
 10           **subsection.**

11           ~~(d)~~ **(h) If:**

12           (1) there is no contest in a ~~precinct~~ **an election district** in any  
 13           party for a nomination for an office; and

14           (2) no party has decided to hold a primary election for any office  
 15           under subsection ~~(a)~~; **(c);**

16           a primary election may not be held for any municipal office in the  
 17           ~~precinct.~~ **election district.**

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

22           **(1) of a political party that is not a major political party; and**

23           **(2) nominated by a convention under section 12 of this**  
 24           **chapter.**

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

28           **(1) be signed and acknowledged before an officer authorized**  
 29           **to take acknowledgments of deeds;**

30           **(2) have the certificate of acknowledgment appended to the**  
 31           **notice; and**

32           **(3) be filed with the board not later than noon three (3) days**  
 33           **after the adjournment of the convention.**

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

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

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

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

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

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

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

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

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

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

3 (A) is a mailed application; or

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

5 from other voters.

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

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

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

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

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

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

32 (1) suitably designed for the purpose used;

33 (2) of durable construction;

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

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

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

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

1 ~~section 2 of this chapter.~~

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

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

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

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

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

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

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

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

- 32 (1) the commission has recommended discontinuing under  
33 subsection (c); or  
34 (2) an independent testing authority has determined under  
35 subsection (e) to be out of compliance with ~~the standards~~  
36 ~~adopted under section 2 of this chapter;~~ **article.**

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

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

- 46 (1) Be based on evidence of the ballot card voting system's use  
47 by a county election board.  
48 (2) Contain the following determinations:  
49 (A) The use of the voting system has resulted in a clear  
50 pattern of unreliable or erroneous casting or tabulation of  
51 ballots.

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

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

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

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

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

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

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

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

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

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

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

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

41 SECTION 76. IC 3-11-7.5-7 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The commission  
 43 may not approve an electronic voting system unless the system meets

44 ~~(1)~~ the specifications in sections 8 through 19 of this chapter and  
 45 **in IC 3-11-15.**

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

48 SECTION 77. IC 3-11-7.5-20 IS AMENDED TO READ AS  
 49 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. Section 7 of  
 50 this chapter does not prevent the approval of a new or improved type  
 51 of electronic voting system that renders unnecessary or obsolete one (1)

1 or more of the specifications in sections 8 through 19 of this chapter **or**  
 2 **IC 3-11-15.**

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

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

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

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

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

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

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

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

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

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

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

1 its entire membership, makes a finding under subsection (g).

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

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

6 (2) Contain the following determinations:

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

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

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

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

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

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

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

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

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

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

43 (2) The designation of the election.

44 (3) The date of the election.

45 (4) The instructions to the voters.

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

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

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

1 (1) designed to be folded; or  
 2 (2) accompanied by a secrecy envelope;  
 3 to ensure the secrecy of each of the votes cast by a voter.

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

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

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

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

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

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

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

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

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

51 (d) **After completion of the posttest,** the tested tabulating

1 machines shall be sealed in the same manner as voting machines under  
 2 IC 3-12-2.5-6. ~~and~~ The ballot cards and all other election materials  
 3 shall be sealed, retained, and disposed of as provided for paper ballots.

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

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

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

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

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

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

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

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

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

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

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

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

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

50 (1) is not valid unless:

51 (A) the secrecy envelope is initialed by both poll clerks; and

1 (B) the vote includes both the name of the write-in  
 2 candidate and the office for which the write-in vote is cast;  
 3 and

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

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

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

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

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

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

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

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

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

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

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

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

50 **(c)** The judge shall ~~then~~ offer to return the envelope with the ballot  
 51 card inside ~~and the second stub~~ to the voter. ~~who~~ **The voter** shall:

- 1 (1) accept the envelope and deposit it in the ballot box; or  
 2 (2) decline the envelope and require the judge to deposit it in the  
 3 ballot box.

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

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

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

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

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

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

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

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

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

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

- 40 (1) absentee voter boards;  
 41 (2) teams of absentee ballot counters; and  
 42 (3) teams of couriers;

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

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

50 **(c)** A person is not eligible to serve on an absentee voter board or  
 51 as an absentee ballot counter or a courier if the person:

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

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

- 19 (1) ~~compare and estimate~~ **tabulate** the number of votes cast for  
 20 each candidate for United States Senator and United States  
 21 Representative; and  
 22 (2) prepare a certificate **of election** for the secretary of state to  
 23 ~~certify~~ **transmit** to:

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

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

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

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

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

49 SECTION 95. IC 3-12-6-3 IS AMENDED TO READ AS  
 50 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. Each petition filed  
 51 under section 2 of this chapter must state the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 (1) The contestee was ineligible.

- 1 (2) A mistake occurred in the printing or distribution of ballots  
 2 used in the election that makes it impossible to determine which  
 3 candidate received the highest number of votes.
- 4 (3) A mistake occurred in the programming of a voting machine  
 5 or an electronic voting system, making it impossible to  
 6 determine the candidate who received the highest number of  
 7 votes.
- 8 (4) A voting machine or an electronic voting system  
 9 malfunctioned, making it impossible to determine the candidate  
 10 who received the highest number of votes.
- 11 **(5) A deliberate act or series of actions occurred making it**  
 12 **impossible to determine the candidate who received the**  
 13 **highest number of votes cast in the election.**
- 14 SECTION 101. IC 3-12-8-6 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A petition  
 16 filed under section 5 of this chapter must state the following:
- 17 (1) That the petitioner desires to contest the nomination or  
 18 election to an office.
- 19 (2) The name **of each candidate as set forth on the ballot for**  
 20 **the election** and address of each candidate ~~at the election for the~~  
 21 ~~office involved:~~ **as set forth in the records of the county**  
 22 **election board or election division.**
- 23 (3) That the petitioner in good faith believes that **one (1) or**  
 24 **more of the following occurred:**
- 25 (A) The person declared nominated or elected does not  
 26 comply with a **specific** constitutional or statutory  
 27 requirement **set forth in the petition that is** applicable to  
 28 a candidate for the office.
- 29 (B) A mistake was made in the printing or distribution of  
 30 ballots **used in the election** that makes it impossible to  
 31 determine which candidate received the highest number of  
 32 votes cast in the election.
- 33 (C) A mistake occurred in the programming of a voting  
 34 machine or an electronic voting system, making it  
 35 impossible to determine the candidate who received the  
 36 highest number of votes. ~~or~~
- 37 (D) A voting machine or an electronic voting system  
 38 malfunctioned, making it impossible to determine the  
 39 candidate who received the highest number of votes.
- 40 **(E) A deliberate act or series of actions occurred making**  
 41 **it impossible to determine the candidate who received**  
 42 **the highest number of votes cast in the election.**
- 43 (b) A petition stating that the petitioner believes that it is  
 44 impossible to determine the candidate that received the highest number  
 45 of votes for one (1) of the reasons **set forth described** in subsection ~~(a)~~  
 46 **(a)(3)(B), (a)(3)(C), or (a)(3)(D)** must identify each precinct in which:  
 47 (1) ballots:  
 48 (A) containing the printing mistake; or  
 49 (B) distributed by mistake;  
 50 were cast;  
 51 (2) a mistake occurred in the programming of a voting machine

1 or an electronic voting system; or

2 (3) a voting machine or an electronic voting system  
3 malfunctioned.

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

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

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

17 **(1) failed to comply with this chapter; or**

18 **(2) was not filed before the deadline specified in this chapter.**

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

22 (1) Compensation of additional employees required to conduct  
23 the contest, including overtime payments to regular employees  
24 who are eligible to receive such payments.

25 (2) Postage and telephone charges directly related to the contest.

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

27 (1) General administrative costs.

28 (2) Security.

29 (3) Allowances for meals or lodging.

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

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

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

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

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

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

51 SECTION 106. IC 3-12-10-12 IS AMENDED TO READ AS

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

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

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

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

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

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

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

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

- 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  
 5 impossible to determine the candidate who received the  
 6 highest number 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**  
 12 **the highest number of votes cast in the election.**
- 13 (c) A petition stating that the petitioner believes that a mistake ~~in~~  
 14 ~~the printing or distribution of ballots described in subsection~~  
 15 **(b)(4)(B), (b)(4)(C), or (b)(4)(D)** has occurred must identify each  
 16 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 **(d) A petition stating that the petitioner believes that an act or**  
 26 **series of actions described in subsection (b)(4)(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 108. IC 3-12-11-7 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. **(a) Except as**  
 31 **provided in subsection (b) or (c),** the state recount commission may  
 32 allow a petition or cross-petition to be amended at any time upon the  
 33 terms and conditions that the state recount commission orders.  
 34 ~~However,~~
- 35 **(b) The commission may not allow a petition or cross-petition**  
 36 **to be amended following the deadline for filing a petition or**  
 37 **cross-petition under this chapter if the petition or cross-petition as**  
 38 **originally filed:**
- 39 **(1) failed to comply with section 3 or section 6 of this**  
 40 **chapter; or**  
 41 **(2) was not filed before the deadline specified in section 2 or**  
 42 **section 4 of this chapter.**
- 43 (c) The commission may not allow a candidate who filed a petition  
 44 or cross-petition to amend the petition or cross-petition by striking a  
 45 precinct in which the candidate had desired a recount unless each  
 46 opposing candidate consents to the amendment.
- 47 SECTION 109. IC 3-12-11-10 IS AMENDED TO READ AS  
 48 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each  
 49 petitioner shall furnish a cash deposit for the payment of costs of the  
 50 recount chargeable to the petitioner. The minimum amount of the cash  
 51 deposit is one hundred dollars (\$100). **The cash deposit shall be**

1 **deposited in the state recount fund.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (1) A legislative office in which, on the face of the election  
50 returns, the difference between the number of votes cast for the  
51 cross-petitioner and the petitioner with the greatest number of

- 1 votes is not more than one percent (1%).
- 2 (2) An office other than a legislative office in which, on the face
- 3 of the election returns, the difference between the number of
- 4 votes cast for the cross-petitioner and the petitioner with the
- 5 greatest number of votes is not more than one percent (1%).
- 6 The cross-petitioner shall furnish a cash deposit equal to ten dollars
- 7 (\$10) multiplied by the number of precincts that the cross-petitioner
- 8 seeks to have recounted. **The cash deposit shall be deposited in the**
- 9 **state recount fund.**
- 10 (c) This subsection applies only to a recount of an election for
- 11 nomination or election to either of the following:
- 12 (1) A legislative office in which, on the face of the election
- 13 returns, the difference between the number of votes cast for the
- 14 cross-petitioner and the petitioner with the greatest number of
- 15 votes is more than one percent (1%).
- 16 (2) An office other than a legislative office in which, on the face
- 17 of the election returns, the difference between the number of
- 18 votes cast for the cross-petitioner and the petitioner with the
- 19 greatest number of votes is more than one percent (1%).
- 20 The cross-petitioner shall furnish a cash deposit equal to ten dollars
- 21 (\$10) multiplied by the number of precincts that the cross-petitioner
- 22 seeks to have recounted for the first ten (10) precincts recounted. For
- 23 each precinct in excess of ten (10) the cross-petitioner seeks to have
- 24 recounted, the cross-petitioner shall furnish an additional cash deposit
- 25 equal to one hundred dollars (\$100) multiplied by the number of
- 26 precincts in excess of ten (10) that the cross-petitioner seeks to have
- 27 recounted. **The cash deposit shall be deposited in the state recount**
- 28 **fund.**
- 29 (d) If after a recount, it is determined that the cross-petitioner has
- 30 been nominated or elected, the deposit furnished by the cross-petitioner
- 31 shall be returned to the cross-petitioner in full.
- 32 (e) Any unexpended balance remaining in a deposit after payment
- 33 of the costs of the recount shall be deposited in the state ~~general~~
- 34 **recount fund.**
- 35 SECTION 111. IC 3-12-11-12 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) **Except as**
- 37 **provided in subsection (d)**, the state recount commission shall grant
- 38 the petitions and cross-petitions that have been filed and order the
- 39 recount of the votes in the precincts upon:
- 40 (1) the filing of a petition and cash deposit or bond under this
- 41 chapter;
- 42 (2) the expiration of the period under section 4 of this chapter for
- 43 filing a cross-petition; and
- 44 (3) proof of service of all notices.
- 45 (b) **Except as provided in subsection (d)**, whenever a petition
- 46 filed under section 2 of this chapter requests a recount in all precincts
- 47 in the election district, the state recount commission may order a
- 48 recount in the precincts upon:
- 49 (1) the filing of a cash deposit or bond under this chapter; and
- 50 (2) proof of service of all notices.
- 51 (c) **Except as provided in subsection (d)**, the state recount

1 commission shall grant a petition for a contest that has been filed and  
2 order a contest proceeding upon:

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

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

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

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

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

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

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

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

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

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

51 (d) If after a recount, it is determined that the result of the public

1 question is other than what was shown on the face of the election  
2 returns, the deposit furnished by the petitioner shall be returned to the  
3 petitioner in full.

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

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

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

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

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

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

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

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

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

32 (1) the death of a candidate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 commits a Class D felony.

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

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

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

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

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

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

33 (1) commission;

34 (2) certificate if a certificate was issued under IC 3-10-7-34,  
 35 IC 3-12-4, or IC 3-12-5; or

36 (3) certificate of appointment pro tempore under IC 3-13-11-11;  
 37 signed by the person taking the oath, and certified to by the officer  
 38 before whom **it the oath** was taken, who shall also deliver to the person  
 39 taking the oath a copy of the oath.

40 (b) **A copy of the oath of office of a prosecuting attorney shall be:**

41 (1) recorded on the bond required by section 20 of this chapter;  
 42 **and on or**

43 (2) **attached to** the commission of the prosecuting attorney.

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

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

50 (1) Of all officers whose oath is endorsed on **or attached to the**  
 51 commission and whose duties are not limited to a particular

- 1 county **or of a justice, judge, or prosecuting attorney**, in the  
 2 office of the secretary of state.
- 3 (2) Of ~~county~~ **the circuit court clerk**, officers of a **political**  
 4 **subdivision or school corporation**, and constables of a small  
 5 claims court, in the circuit court clerk's office of the county  
 6 **containing the greatest percentage of the population of the**  
 7 **political subdivision or school corporation.**
- 8 (3) ~~Of county council members; officers appointed by the board~~  
 9 ~~of county commissioners; and township officers that the board~~  
 10 ~~may require to do so; with the county auditor.~~
- 11 (4) ~~Of township board members; with the township trustee.~~
- 12 (5) ~~Of city officers; in the office of the clerk of the city-county~~  
 13 ~~council; city clerk; or city clerk-treasurer.~~
- 14 (6) ~~Of deputies of the surveyor; in a book kept by the surveyor~~  
 15 ~~for this purpose.~~
- 16 (7) ~~Of town officers; in the office of the town clerk-treasurer.~~
- 17 (8) ~~Of a justice, judge, or prosecuting attorney; in the office of~~  
 18 ~~the secretary of state.~~
- 19 (9) ~~Of a deputy prosecuting attorney, in the office of the clerk of~~  
 20 ~~the circuit court of the county in which the deputy prosecuting~~  
 21 ~~attorney resides **or serves.**~~
- 22 (10) ~~Of a school board member, in the circuit court clerk's office~~  
 23 ~~of the county containing the greatest percentage of population of~~  
 24 ~~the school corporation.~~
- 25 SECTION 123. IC 5-6-1-2 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **This section**  
 27 **does not apply to the deputy of a circuit court clerk.**
- 28 (b) ~~Such~~ Deputies shall take the oath required of their principals,  
 29 and may perform all the official duties of such principals, being subject  
 30 to the same regulations and penalties.
- 31 SECTION 124. IC 5-6-4 IS ADDED TO THE INDIANA CODE  
 32 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 33 UPON PASSAGE]:
- 34 **Chapter 4. Deputies of Local Officers**
- 35 **Sec. 1. This chapter applies to a deputy of an officer of a**  
 36 **political subdivision or a judicial circuit.**
- 37 **Sec. 2. The definitions in IC 36-1-2 apply throughout this**  
 38 **chapter.**
- 39 **Sec. 3. For purposes of Article 2, Section 9 of the Constitution**  
 40 **of the State of Indiana, the position of appointed deputy of an**  
 41 **officer of a political subdivision or a judicial circuit is not a**  
 42 **lucrative office.**
- 43 SECTION 125. IC 20-4-3-2 IS AMENDED TO READ AS  
 44 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) **As used in this**  
 45 **section, "county election board" includes a board of elections and**  
 46 **registration under IC 3-6-5.2.**
- 47 (b) The board of school trustees shall be elected on a general ticket  
 48 for a term of four (4) years by the voters of any such school city. A  
 49 voter may vote in such primary election for school trustees without  
 50 otherwise voting and without declaring party preference. ~~An individual~~  
 51 ~~is not eligible for the office of school trustee for more than three (3)~~

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

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

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

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

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

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

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

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

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

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

51 (d) As used in this chapter, "employer" means any person from

1 whom the judge, justice, or prosecuting attorney or that person's spouse  
2 receives any nonstate income.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (c) During the period under IC 3-8-2-4 in which a declaration of  
50 candidacy may be filed for a primary election, any person desiring to  
51 become a candidate for one (1) of the Allen superior court judgeships

1 must file with the election division a declaration of candidacy adapted  
2 from the form prescribed under IC 3-8-2 that:

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

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

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

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

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

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

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

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

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

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

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

1 **township trustees**, in their respective towns, ~~and~~ cities, ~~and~~  
2 **townships.**

3 (6) Clerks of circuit courts and master commissioners, in their  
4 respective counties.

5 ~~(6)~~ (7) Judges of United States district courts of Indiana, in their  
6 respective jurisdictions.

7 ~~(7)~~ (8) United States commissioners appointed for any United  
8 States district court of Indiana, in their respective jurisdictions.

9 ~~(8)~~ (9) A precinct election officer (as defined in IC 3-5-2-40.1)  
10 and an absentee voter board member appointed under  
11 IC 3-11-10, for any purpose authorized under IC 3.

12 ~~(9)~~ (10) A member of the Indiana election commission, a  
13 co-director of the election division, or an employee of the  
14 election division under IC 3-6-4.2.

15 ~~(10)~~ (11) County auditors, in their respective counties.

16 ~~(b)~~ (12) Any member of the general assembly ~~shall have full~~  
17 ~~power and authority to subscribe and administer oaths and take~~  
18 ~~acknowledgments of all documents whatsoever~~ anywhere in  
19 Indiana.

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

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

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

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

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

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

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

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

51 (c) Notwithstanding IC 3-9-4-4, not later than April 2, 1998, the

1 computer system is only required to make the annual reports required  
2 to be filed under IC 3-9-5-10 for calendar year 1997 in searchable,  
3 digital form available on the Internet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 SECTION 141. [EFFECTIVE UPON PASSAGE] (a) **The census**

1 data advisory committee shall study the desirability of permitting  
2 absentee ballots to be cast at a county election board office by using  
3 a direct recording electronic voting system. The study must  
4 include:

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

6 (A) cast absentee ballots; and

7 (B) subsequently become disqualified before election  
8 day;

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

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

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

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

20 (b) This SECTION expires July 1, 1999.

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

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

31 (c) This SECTION expires January 1, 2000.

32 SECTION 144. An emergency is declared for this act.

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

**Conference Committee Report**  
**on**  
**Senate Bill 109**

**S**igned by:

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Senator Lawson C

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Representative Kromkowski

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Senator Sipes

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Representative Whetstone

**Senate Conferees**

**House Conferees**