

First Regular Session 111th General Assembly (1999)

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

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

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

SENATE ENROLLED ACT No. 109

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

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

SECTION 1. IC 3-5-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 2.5. "Auxiliary party organization" means an organization located within or outside Indiana that:

- (1) is affiliated with a political party;
- (2) proposes to influence the election of a candidate for state, legislative, local, or school board office, or the outcome of a public question; and
- (3) has not:
 - (A) had an annual budget of five thousand dollars (\$5,000) or more in at least one (1) of the last two (2) years; or
 - (B) made a contribution of more than ~~five hundred dollars (\$500)~~ **one thousand dollars (\$1,000)** to another committee or to a candidate.

SECTION 2. IC 3-5-2-32.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32.7. "Nomination date" refers to the following:

- (1) For candidates nominated in a primary election, the date of the primary election.
- (2) For candidates nominated in a convention, the date of the

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convention is scheduled to be called to order, according to the call of the convention issued by the political party.

(3) For candidates selected to fill a ballot vacancy, the date the certificate of selection of the candidate is filed under IC 3-13-1-15 or IC 3-13-2-8.

(4) For candidates nominated by petition, the final date the petition of nomination is permitted to be filed under IC 3-8-6-10(c).

(5) For write-in candidates, the final date the candidate's declaration of intent to be a write-in candidate is permitted to be filed under IC 3-8-2-4.

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

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

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

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

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



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The ~~combined county election board and~~ board of **elections and** registration is established and shall be known as the _____ (name of county) ~~combined county election board and~~ board of **elections and** registration.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) One (1) inspector. ~~and~~
- (2) Two (2) judges. ~~of opposite political parties;~~

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

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

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

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

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

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

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

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



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

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

- (1) at least sixteen (16) years of age, but not more than seventeen (17) years of age; and
- (2) a resident of the county.

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

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

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

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

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

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

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

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

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appointment of an individual to a precinct election office:

- (1) expires at noon on election day; or
- (2) begins at noon on election day and expires under section 37(b) of this chapter;

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

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

- (1) expires at noon on election day; or
- (2) begins at noon on election day and expires under section 37(b) of this chapter.

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

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

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

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

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

SECTION 17. IC 3-6-6-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. **(a)** If a precinct has both poll clerks and assistant poll clerks and the voting is entirely

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done by paper ballot, the assistant poll clerks shall perform the same duties required of the poll clerks regarding the initialing and giving out of the ballots and pencils **or pens** when required to do so. ~~However,~~

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

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

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

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

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

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

Chapter 10. General Provisions

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

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

- (1) **Seek to influence an applicant's political preference or party registration.**
- (2) **Display any political preference or party allegiance,**

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including pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

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

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

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

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

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

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

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

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

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

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

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

(4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision whether or not to register has any bearing on

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the availability of services or benefits.

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

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

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

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

- (1) had previously furnished the voter registration computer software to the county; or
- (2) is currently providing technical assistance regarding the computer software to the county voter registration office;

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

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

SECTION 25. IC 3-8-1-2, AS AMENDED BY HEA 1079-1999, IS



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AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23, 1999 (RETROACTIVE)]: Sec. 2. (a) The commission, a county election board, or a town election board shall act ~~in accordance with this section~~ if a candidate (or a person acting on behalf of a candidate in accordance with state law) has filed any of the following:

- (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- (2) A request for ballot placement in a presidential primary under IC 3-8-3.
- (3) A petition of nomination or candidate's consent to nomination under IC 3-8-6.
- (4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.
- (5) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
- (6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.

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

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

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

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

- (1) The eligibility of the candidate was challenged under this section before the candidate was nominated.**
- (2) The commission or board conducted a hearing on the affidavit before the nomination.**

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

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

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

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

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

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

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

(3) has:

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

(B) been convicted of;

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

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

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

(6) is subject to:

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

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

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

SECTION 27. IC 3-8-1-5.5, AS AMENDED BY HEA 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23, 1999 (RETROACTIVE)]: Sec. 5.5. (a) Except as provided in

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IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a ticket, a person who:

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

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

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

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

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

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

(b) If a town council member:

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

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

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

(b) A candidate for the office of judge of a city court must reside in the city upon filing a declaration of candidacy or declaration of intent

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to be a write-in candidate required under IC 3-8-2, a petition of nomination under IC 3-8-6, or a certificate of nomination under IC 3-10-6-12.

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

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

- (1) declaration of candidacy or petition of nomination;**
- (2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or**
- (3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;**

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

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

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

- (1) declaration of candidacy or petition of nomination;**
- (2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or**
- (3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;**

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

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

(b) A person may file both:

- (1) a declaration of candidacy under this chapter for nomination to a federal or state office; and**
- (2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.**

(c) A person may not file:



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

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

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

- (b) The petition must be
 - (1) filed during the period beginning January 1 of the year in which the election will be held and ending at noon July 15 before the election. ~~and~~
 - (2) ~~accompanied by the candidate's written consent to become a candidate and any statement of economic interests required under IC 3-8-1-33.~~

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

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

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

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



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- (1) ~~Each~~ **The** candidate's written consent to become a candidate.
- (2) A statement that the candidate:
 - (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
 - (B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

- (3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

- (4) A statement that if the individual is a candidate for a school board office, the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

- (A) The candidate receives more than five hundred dollars (\$500) in contributions as a school board candidate.
- (B) The candidate makes more than five hundred dollars (\$500) in expenditures as a school board candidate.

- (5) A statement indicating whether or not each candidate:
 - (A) has been a candidate for state or local office in a previous primary or general election; and
 - (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

- (6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

- (7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

- (c) The statement required under subsection (b)(7) must:
 - (1) be certified by each circuit court clerk; and
 - (2) indicate the number of votes cast for secretary of state:
 - (A) at the last election for secretary of state; and

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(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The secretary of state shall, by noon August 20, certify each petition of nomination filed in the secretary of state's office to the appropriate county.

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

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

SECTION 34. IC 3-8-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. ~~Within~~ **(a) Not later than noon** ten (10) days after:

- (1) receipt of the candidate ~~and delegate~~ lists from each circuit court clerk under section 5 of this chapter; or**
- (2) the certification of the canvass performed by the election division under IC 3-10-1-34;**

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

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

- (1) contain the names of all candidates nominated ~~and delegates elected~~ as certified by the **circuit court** clerks under section 5 of this chapter; ~~and~~**
- (2) contain the names of all candidates shown to be nominated by the canvass of the secretary of state **election division conducted** under IC 3-10-1-34; Each list must **and****
- (3) include the address of each candidate. ~~and delegate. The delegate lists shall be certified in duplicate; separate from the candidate lists.~~**

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

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

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individuals elected as delegates to the convention of the chairman's political party.

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

- (1) contain the names of all delegates elected, as certified by the circuit court clerks under section 5 of this chapter; and
- (2) include the address of each delegate.

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

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

(b) A candidate who:

(1) is:

- (A) nominated for election; **or**
- (B) **a candidate for nomination;** and

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

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

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

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

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

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

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

- (1) The name and address of the committee.
- (2) The purpose for which the committee is formed, **unless the**

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committee is a candidate's committee that identifies a specific office sought by the candidate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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committee has also filed a report with the election division.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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or judgment by any person.

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

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

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

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

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

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

(C) The election division.

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

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

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

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

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

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

(1) has physical possession of the contribution; and

(2) manifests an intent to keep the contribution by depositing

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the contribution, subject to IC 3-9-5-14(c).

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

- (1) depositing the contribution in the United States mail; or**
- (2) transferring the contribution to any other person who has been directed to convey the contribution to the person intended to be the recipient of the contribution.**

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

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

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

- (1) A communication relating to an election to a federal office.
- (2) A communication relating to the outcome of a public question.
- (3) A communication **described by this section** in a medium regulated by federal law **to the extent that federal law regulates the appearance, content, or placement of the communication in the medium.**
- (4) Bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer required by this section cannot be conveniently printed.
- (5) Skywriting, water towers, wearing apparel, or other means of displaying an advertisement on which the inclusion of a disclaimer would be impracticable.
- (6) Checks, receipts, and similar items of minimal value that do not contain a political message and are used for purely administrative purposes.
- (7) A communication by a political action committee organized and controlled by a corporation soliciting contributions to the political action committee by the stockholders, executives, or



employees of the corporation and the families of those individuals.

(8) A communication by a political action committee organized and controlled by a labor organization soliciting contributions to the political action committee by the members or executive personnel of the labor organization and the families of those individuals.

(9) A direct mailing of one hundred (100) or less substantially similar pieces of mail.

(b) This section applies whenever a person:

(1) makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate; or

(2) solicits a contribution;

through a newspaper, a magazine, an outdoor advertising facility, a poster, a yard sign, a direct mailing, or any other type of general public political advertising.

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

(1) The name of the candidate involved appears.

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

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

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

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

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

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

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

(A) a candidate;

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

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(C) the committee's agents;
the communication must clearly state that the communication has been paid for by the authorized political committee.

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

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

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

(3) If the communication is not authorized by:

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

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

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

- (h) A communication by a regular party committee consisting of:
- (1) a printed slate card, a sample ballot, or other printed listing of three (3) or more candidates for public office at an election;
 - (2) campaign materials such as handbills, brochures, posters, party tabloids or newsletters, and yard signs distributed by volunteers and used by the regular party committee in connection with volunteer activities on behalf of any nominee of the party; or
 - (3) materials distributed by volunteers as part of the regular party's voter registration or get-out-the-vote efforts;

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

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

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

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

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

- (1) Identify all candidates or committees that received contributions from a contributor over the past three (3) years.
- (2) Identify all contributors to a candidate or committee over the past three (3) years.
- (3) Provide for electronic submission, retrieval, storage, and disclosure of campaign finance reports of candidates for the following:
 - (A) Legislative office.
 - (B) State office.

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

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

(d) The election division is not required to accept an electronic submission unless the submission complies with subsection (b)(3). Upon receiving approval from the commission, the election division may accept an electronic submission from candidates, committees, or persons described in subsection (b)(3).

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

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

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

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- (A) failed to file statements of organization or reports; or ~~have~~
 (B) filed defective statements of organization or reports.

(2) Give the following notices:

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

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

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

(b) The election division shall mail:

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

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

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

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

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

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

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

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- (b) As used in this section, "election board" refers to the following:
- (1) The commission if a civil penalty was assessed under section 16 of this chapter.
 - (2) The county election board if a civil penalty was assessed under section 17 of this chapter.
- (c) As used in this section, "person" refers to a person who:
- (1) has been assessed a civil penalty under section 16 or 17 of this chapter; and
 - (2) has filed a declaration of candidacy, a petition of nomination, or a declaration of intent to be a write-in candidate in a subsequent election or for whom a certificate of nomination has been filed.
- (d) A person who does both of the following is relieved from further civil liability under this chapter for the delinquent **or defective** report:
- (1) Files the delinquent report **or amends the defective report** from the previous candidacy:
 - (A) before filing a report required under IC 3-9-5-6; or
 - (B) at the same time the person files the report required under IC 3-9-5-6;
 for a subsequent candidacy.
 - (2) Pays all civil penalties assessed under section 16 or 17 of this chapter for the delinquent report.
- (e) This subsection applies to a person who:
- (1) is assessed a civil penalty under this chapter; and
 - (2) is elected to office in the subsequent election.

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

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

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

SECTION 46. IC 3-9-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 6. (a) **This subsection applies to a candidate's committee.** Except as otherwise provided in this chapter, each committee, ~~its~~ **the committee's** treasurer,

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and each candidate shall complete a report required by this chapter current and dated as of the following dates:

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

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

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

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

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

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

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

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



under section 10 of this chapter.

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

- (1) By hand.
- (2) By mail.
- (3) By electronic mail, if the appropriate office has the capacity to:

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

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

(b) Reports must be filed as follows:

- (1) Hand delivered reports **or reports transmitted by mail** must be **received by filed with** the appropriate office during regular office hours not later than noon seven (7) days after the date of the report.
- (2) Reports delivered by electronic mail must be **received by filed with** the appropriate office not later than noon seven (7) days after the date of the report.
- (3) ~~Reports that are mailed must be postmarked not later than noon seven (7) days after the date of the report.~~

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

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

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

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

~~(2) does~~ (b) **A candidate is not required to file the required a report in accordance with ~~section 7~~ section 6(a)(1) of this chapter. The candidate shall file the candidate's first report ~~no~~ not later than noon**

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twenty (20) days after the **nomination date for a candidate chosen at a state convention.**

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

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

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

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

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

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

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

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

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

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

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



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

- (1) For contributions made to a candidate's committee, a legislative caucus committee, or a political action committee, one hundred dollars (\$100).
- (2) For contributions made to a regular party committee, two hundred dollars (\$200).

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

- (1) The amount of cash on hand and the value of any investments made by the committee at the beginning of the reporting period.
- (2) The total sum of individual contributions including transfers-in, accepted by the committee during its reporting period.
- (3) The following information regarding each person who has made one (1) or more contributions within the year, in an aggregate amount that exceeds the threshold contribution amount in actual value to or for the committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events:
 - (A) The full name of the person.
 - (B) The full mailing address of the person making the contribution.
 - (C) The person's occupation, if the person is an individual who has made contributions **to the committee** of at least one thousand dollars (\$1,000) during the calendar year.
 - (D) The date and amount of each contribution.

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

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

- (A) The name and address of the other committee.
- (B) The amount of expenditures reported by the other committee.
- (C) The date of the expenditures reported by the other committee.



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

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(c) If a committee:

- (1) obtains a contribution;**
- (2) determines that the contribution should not be accepted by the committee; and**
- (3) does not receive and accept the contribution under IC 3-9-1-25(b);**

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

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

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

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

- (1) The contribution is received by a candidate, the candidate's committee, or the treasurer of the candidate's committee.**
- (2) The contribution is received:**
 - (A) not more than twenty-five (25) days before an election; and**
 - (B) not less than forty-eight (48) hours before an election.**

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

- (1) A primary election.**
- (2) A general election.**



(3) A municipal election.

(4) A special election.

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

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

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

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

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

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

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

(4) The amount of the contribution.

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

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

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

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

(c) The names of unopposed candidates for election as a precinct committeeman or a delegate to a political party's state convention are not required to be placed on the primary election ballot unless the

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appointed member of the county election board affiliated with the political party files a written request that these names be printed on the primary election ballot.

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

SECTION 56. IC 3-10-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) All the candidates for each office who have qualified in the manner prescribed by IC 3-8 for placement on the primary election ballot shall be grouped together under the name of the office and printed in type with uniform capital letters, with uniform space between each name. At the head of each group where only one (1) candidate for each group is to be voted for, the words "vote for one (1) only" shall be printed. If more than one (1) candidate in a group is to be voted for, the number to be voted for shall be specified at the head of the group.

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

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

(1) initials; or

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

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

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

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

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

SECTION 58. IC 3-10-1-28.5, AS AMENDED BY HEA 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 28.5. (a) ~~This section~~

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does not apply to an optical scan ballot card voting system:

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

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

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

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

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

(d) The voter then shall leave the polls.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

(g) This subsection applies when:

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

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

(3) there is no contest for nomination to an office to be voted on by all voters of the political party of the municipality.

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

~~(d)~~ (h) If:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) **in the same county; and**

(B) **in the same congressional district;**



as the former precinct; and

(2) does not notify the ~~circuit court clerk or board of county voter registration office~~ of the change of address before election day.

(b) A voter described by subsection (a) may:

(1) correct the voter registration record; and

(2) vote in the precinct where the voter formerly resided;

if the voter makes an oral or a written affirmation as described in section 4 of this chapter of the voter's current residence address. However, a voter who moved outside of a municipality may not return to the precinct where the voter formerly resided to vote in a municipal election. **A voter who moved from a location outside a municipality to a location within a municipality within thirty (30) days before a municipal primary election, municipal election, or special election held only within the municipality may not vote in the election in the precinct of the person's former residence.**

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

SECTION 66. IC 3-11-3-6, AS AMENDED BY HEA 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23, 1999, (RETROACTIVE)]: Sec. 6. The election division shall deliver the state and presidential paper ballots by certified mail, or by another means of delivery that includes a return receipt, to:

(1) each circuit court clerk; or

(2) in a county subject to IC 3-6-5.2, the ~~chief deputy director of the combined county election board and~~ board of **elections and registration**.

SECTION 67. IC 3-11-4-3, AS AMENDED BY HEA 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23, 1999 (RETROACTIVE)]: Sec. 3. (a) Except as provided in subsection (b) and sections 6 and 8 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the ~~chief deputy director of the combined county election board and~~ board of **elections and registration**) not earlier than ninety (90) days before election day nor later than the following:

(1) Noon on the day before election day if the voter completes the application in the office of the circuit court clerk.

(2) Noon on the day before election day if:

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- (A) the application is a mailed or hand delivered application from a confined voter or voter caring for a confined person; and
 - (B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board.
- (3) Midnight on the eighth day before election day if the application:
- (A) is a mailed application; or
 - (B) was transmitted by a facsimile (FAX) machine; from other voters.

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

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

- ~~(1) complies with the standards in the rules; and~~
- ~~(2) meets the standards in this chapter and IC 3-11-15.~~

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

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

- (1) suitably designed for the purpose used;
- (2) of durable construction;
- (3) safe, efficient, and accurate in the conduct of elections and counting of ballots; and
- (4) in compliance with the standards for systems that are purchased after the effective date of the standards established ~~by~~



~~the commission under section 2 of this chapter and IC 3-11-15.~~

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

SECTION 72. IC 3-11-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The election division (or a competent person designated by the commission to act on behalf of the election division) may periodically examine a ballot card voting system that the commission has previously approved to determine if the system is still in compliance with all statutory requirements. ~~and the standards adopted by the commission under section 2 of this chapter.~~

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

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

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

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

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

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

(e) If the independent testing authority determines that a voting system tested under subsection (d) does not comply with ~~the standards adopted by the commission under section 2 of this chapter;~~ **article**, the commission may, by unanimous consent of its entire membership,

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

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

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

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

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

- (1) Be based on evidence of the ballot card voting system's use by a county election board.
- (2) Contain the following determinations:
 - (A) The use of the voting system has resulted in a clear pattern of unreliable or erroneous casting or tabulation of ballots.
 - (B) The continued use of the voting system would undermine the public confidence in the accuracy and integrity of Indiana's electoral system.

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

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

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

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

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

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to the election division by:

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

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

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

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

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

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

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

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

SECTION 77. IC 3-11-7.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. Section 7 of this chapter does not prevent the approval of a new or improved type of electronic voting system that renders unnecessary or obsolete one (1) or more of the specifications in sections 8 through 19 of this chapter **or IC 3-11-15.**

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

(b) If the election division or competent person finds that a system examined under subsection (a) fails to meet all requirements and

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standards, and the commission concurs in these findings, the commission may, by unanimous vote of all of the members of the commission, rescind the commission's approval of the vendor.

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

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

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

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

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

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

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

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

Notwithstanding the recommendation under subsection ~~(b)~~ **(c)** or the determination under subsection ~~(d);~~ **(e)**, an electronic voting system may be used in a county until the circuit court clerk or the county election board of a county that uses the electronic voting system files a request with the election division for an investigation of the electronic voting system and the commission, by unanimous consent of its entire membership, makes a finding under subsection (g).

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

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- (1) Be based on evidence of the electronic voting system's use by a county election board.
- (2) Contain the following determinations:
 - (A) The use of the voting system has resulted in a clear pattern of unreliable or erroneous casting or tabulation of ballots.
 - (B) The continued use of the voting system would undermine the public confidence in the accuracy and integrity of Indiana's electoral system.

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

- (1) have the marking devices prepared for the election;
- (2) have the marking devices put in order, set and adjusted, and made ready for voting when delivered to the precincts; and
- (3) provide the precinct election officers with marking devices, a demonstration marking device (**except in precincts using optical scan ballot cards**), ballot cards, ballot boxes, ballot labels, and other records and supplies as required.

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

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

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

- (1) The name of the political subdivision holding the election.
- (2) The designation of the election.
- (3) The date of the election.
- (4) The instructions to the voters.
- (5) In a primary election, the name of the political party.

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

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

- (1) designed to be folded; or
- (2) accompanied by a secrecy envelope;

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

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

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

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

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

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

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

SECTION 83. IC 3-11-13-26 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) The ~~tests~~ **public test** required by section ~~22~~ **22(b)** of this chapter shall be repeated and certified again in the same manner immediately before the start of the official count of the ballot cards.

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

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

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

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

- (1) open the packages of ballot cards in a manner that preserves the seals intact;
- (2) deliver ~~twenty-five (25)~~ **fifty (50)** of each of the state and local ballots to the poll clerk ~~of~~ **representing** the opposite political party; and
- (3) deliver to the other poll clerk a device for marking the ballots.

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

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

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

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

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

(b) This subsection does not apply to an optical scan ballot card voting system. After a voter has signed the poll list, the poll clerk

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holding the ballot card shall remove the top stub, as described in section 18 of this chapter, and deliver to the voter one (1) of each ballot card that the voter is entitled to vote at the election. The top stub (and any second stub declined by the voter under section 33 of this chapter) shall be retained by the precinct election board and returned to the election board following the close of the polls.

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

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

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

(1) is not valid unless:

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

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

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

- (1) use only the marking device provided for punching, slotting, or marking the cards and that the voter is not to mark a card in any other way;
- (2) be certain that the initials of the poll clerks appear on the voter's card and that if the initials are not on the card it will not be counted, **except as provided by IC 3-12-1-12**; and
- (3) place the voter's card in an envelope **or other container** after the voter has voted or to fold the card in a manner so that no card is exposed upon which a choice is indicated.

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



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

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

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

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

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

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

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

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

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

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

~~(f)~~ **(f)** After voting, a voter shall leave the polls. However, a voter

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to whom ballot cards and a marking device have been delivered may not leave the polls without voting the ballot cards or returning them to the poll clerk from whom the voter received them.

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

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

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

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

- (1) immediately cancel the defective card by writing on the back of the card and stub the word "VOID" in ink or in indelible pencil; and
- (2) without detaching ~~the any stub attached to the card,~~ place the card in the container for voided ballots in a manner that does not expose the choices of the voter.

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

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

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

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

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

- (1) is unable to read, write, and speak the English language;
- (2) has any property bet or wagered on the result of the election;
- (3) is a candidate to be voted for at the election, except as an unopposed candidate for precinct committeeman or state



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convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, or first cousin of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption. This subdivision does not disqualify a person who is a spouse of a first cousin of the candidate.

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

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

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

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

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

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

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

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

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election.

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

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

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

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

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

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

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

- (1) state that the petitioner or cross-petitioner has failed to comply with this chapter; and**



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(2) specifically identify the requirement that the petitioner or cross-petitioner has failed to comply with.

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

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

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

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

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

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

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

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

SECTION 99. IC 3-12-8-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **This section does not apply to a challenge filed before an election to the eligibility of a candidate nominated by petition for election to an office. The challenge described by this section must be conducted in accordance with IC 3-8-1-2.**

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

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

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

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

SECTION 101. IC 3-12-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A petition filed under section 5 of this chapter must state the following:

- (1) That the petitioner desires to contest the nomination or election to an office.
- (2) The name **of each candidate as set forth on the ballot for the election** and address of each candidate **at the election for the office involved**; ~~as set forth in the records of the county election board or election division.~~
- (3) That the petitioner in good faith believes that **one (1) or more**



of the following occurred:

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

(B) A mistake was made in the printing or distribution of ballots **used in the election** that makes it impossible to determine which candidate received the highest number of votes cast in the election.

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

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

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

(b) A petition stating that the petitioner believes that it is impossible to determine the candidate that received the highest number of votes for one (1) of the reasons **set forth described** in subsection (a) **(a)(3)(B), (a)(3)(C), or (a)(3)(D)** must identify each precinct in which:

(1) ballots:

(A) containing the printing mistake; or

(B) distributed by mistake;

were cast;

(2) a mistake occurred in the programming of a voting machine or an electronic voting system; or

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

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

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

(b) The court may not allow a petition to be amended following

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the deadline for filing a petition under this chapter if the petition as originally filed:

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

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

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

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

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

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

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

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

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

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

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

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

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IC 3-12-11-10.

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

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

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

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

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

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

- (1) The nomination or election to office that the petitioner contests.
- (2) That the individual is entitled to contest an election or a nomination to office under this chapter.
- (3) **The name of the candidates as set forth on the ballot for the election and address of each of the candidates as set forth in the records of the election division.**
- (4) That the petitioner in good faith believes that **one (1) or more of the following occurred:**

- (A) The person declared nominated or elected does not comply with a **specific** constitutional or statutory requirement **set**

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forth in the petition that is applicable to a candidate for the office.

(B) A mistake was made in the printing or distribution of ballots **used in the election** that makes it impossible to determine which candidate received the highest number of votes cast in the election.

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

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

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

(c) A petition stating that the petitioner believes that a mistake ~~in the printing or distribution of ballots~~ **described in subsection (b)(4)(B), (b)(4)(C), or (b)(4)(D)** has occurred must identify each precinct in which:

(1) ballots:

(A) containing the printing mistake; or

(B) distributed by mistake;

were cast;

(2) a mistake occurred in the programming of a voting machine or an electronic voting system; or

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

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

SECTION 108. IC 3-12-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. **(a) Except as provided in subsection (b) or (c),** the state recount commission may allow a petition or cross-petition to be amended at any time upon the terms and conditions that the state recount commission orders. ~~However,~~

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

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

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

SECTION 109. IC 3-12-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each petitioner shall furnish a cash deposit for the payment of costs of the recount chargeable to the petitioner. The minimum amount of the cash deposit is one hundred dollars (\$100). **The cash deposit shall be deposited in the state recount fund.**

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

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

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

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

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

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

(d) If after a recount, it is determined that a petitioner has been nominated or elected, the deposit furnished by that petitioner shall be

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returned to that petitioner in full.

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

- (1) If the recount results in a reduction of at least fifty percent (50%) but less than one hundred percent (100%) of the margin of the total certified votes, the petitioner shall receive a refund of that percentage of the unexpended balance.
- (2) If after a recount, it is determined that a petitioner has been nominated or elected, the deposit or the bond furnished by that petitioner shall be returned to that petitioner in full.
- (3) Any unexpended balance remaining after the provision of subdivision (1) has ~~have~~ been satisfied shall be deposited in the state **general recount** fund.

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

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

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

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

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

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

The cross-petitioner shall furnish a cash deposit equal to ten dollars

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

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

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

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

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

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

- (1) the filing of a cash deposit or bond under this chapter; and
- (2) proof of service of all notices.

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

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

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

- (1) state that the petitioner or cross-petitioner has failed to comply with this chapter; and



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(2) specifically identify the requirement that the petitioner or cross-petitioner has failed to comply with.

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

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

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

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

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

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

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

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



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

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

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

- (1) before noon ~~August 1~~; **thirty-five (35) days after the primary election** if the vacancy exists on a general ~~or municipal~~ election ballot; and
- (2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

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

- (1) before noon August 1, if the vacancy exists on a general or municipal election ballot; and**
- (2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.**

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

- (1) the death of a candidate;
- (2) the withdrawal of a candidate; ~~who has moved from the election district;~~
- (3) the disqualification of a candidate under IC 3-8-1-5; or
- (4) a court order issued under IC 3-8-7-29(d);

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

SECTION 114. IC 3-13-1-10, AS AMENDED BY HEA 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 23, 1999 (RETROACTIVE)]: Sec. 10. (a) To be eligible to participate in a caucus called under section 7 of this chapter, an elected precinct committeeman or vice committeeman must be entitled to vote for the

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office for which a candidate is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the ballot vacancy occurred. The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus called under this chapter, **regardless of when the ballot vacancy occurred.**

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

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

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

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

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

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

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

(3) Satisfy the other requirements of this section.

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

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

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

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

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

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

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

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

- (1) A state police department civilian employee from voting while on duty.
- (2) A police officer or firefighter from voting while wearing any

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part of an official uniform or while on duty.

(3) An individual described in subsection (a) from consenting to a photograph (or other visual depiction) of the individual wearing any part of the individual's official uniform appearing in an advertisement in support of a candidate or political party. ~~or~~

(4) An individual from serving as a pollbook holder under IC 3-6-6-36.

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

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

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

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

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

(3) begins a criminal prosecution; or

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

commits a Class D felony.

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

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

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

SECTION 120. IC 5-4-1-1.2 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. (a) **This section does not apply to an individual appointed or elected to an office the establishment or qualifications of which are expressly provided for in the Constitution of the State of Indiana or the Constitution of the United States.**

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

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

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

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

- (1) recorded on the bond required by section 20 of this chapter; ~~and on or~~
- (2) **attached to** the commission of the prosecuting attorney.

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

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

- (1) Of all officers whose oath is endorsed on **or attached to** the commission and whose duties are not limited to a particular county **or of a justice, judge, or prosecuting attorney**, in the office of the secretary of state.
- (2) Of ~~county~~ **the circuit court clerk**, officers of a **political subdivision or school corporation**, and constables of a small claims court, in the circuit court clerk's office of the county **containing the greatest percentage of the population of the political subdivision or school corporation.**
- (3) ~~Of county council members; officers appointed by the board of county commissioners; and township officers that the board~~



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may require to do so; with the county auditor:

(4) Of township board members; with the township trustee:

(5) Of city officers; in the office of the clerk of the city-county council; city clerk; or city clerk-treasurer:

(6) Of deputies of the surveyor; in a book kept by the surveyor for this purpose:

(7) Of town officers; in the office of the town clerk-treasurer:

(8) Of a justice, judge; or prosecuting attorney; in the office of the secretary of state:

(9) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides **or serves**.

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

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

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

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

Chapter 4. Deputies of Local Officers

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

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

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

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

(b) The board of school trustees shall be elected on a general ticket for a term of four (4) years by the voters of any such school city. A voter may vote in such primary election for school trustees without otherwise voting and without declaring party preference. ~~An individual is not eligible for the office of school trustee for more than three (3)~~



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

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

- (1) Each candidate shall be proposed in a petition in writing signed by not fewer than two hundred (200) legal voters of such school city.
- (2) Not more than one (1) candidate may be named in any one (1) petition.
- (3) No legal voter may sign petitions for a greater number of candidates than the number of school trustees to be elected in the primary election concerned.

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

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

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

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

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

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

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

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

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

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

- (1) ~~no~~ **not** later than February 1 ~~and if the individual is required to file the statement as an officeholder; or~~
- (2) **if a candidate for office, before filing: the individual (or a political party officer acting on behalf of the individual) files:**
 - (A) a declaration of candidacy, if required under IC 3-8-2 or IC 3-8-4-11;
 - (B) a **certified** petition of nomination **with the Indiana election division** under IC 3-8-6;
 - (C) **a certificate of nomination under IC 3-8-7-8;**
 - ~~(D)~~ (D) a certificate of candidate selection under IC 3-13-1 or IC 3-13-2; or
 - ~~(E)~~ (E) a declaration of intent to be a write-in candidate, if required under IC 3-8-2.

(b) In a county where judges are selected by a county commission

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on judicial qualifications, a candidate must file a statement with the county commission and also with the commission on judicial qualifications.

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

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

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

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

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

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

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

(b) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for any one of the eight (8) judgeships affected by this chapter shall file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and designating on the declaration which judgeship the candidate seeks. Any petition without such designation shall be

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rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

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

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

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

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

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

- (1) Notaries public.
- (2) Justices and judges of courts, in their respective jurisdictions.
- (3) The secretary of state of Indiana.
- (4) **The clerk of the supreme court.**
- (5) Mayors, clerks, ~~and~~ clerk-treasurers of towns and cities, **and township trustees**, in their respective towns, ~~and~~ cities, **and townships.**
- (6) Clerks of circuit courts and master commissioners, in their respective counties.
- ~~(6)~~ **(7)** Judges of United States district courts of Indiana, in their respective jurisdictions.
- ~~(7)~~ **(8)** United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.
- ~~(8)~~ **(9)** A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.
- ~~(9)~~ **(10)** A member of the Indiana election commission, a co-director of the election division, or an employee of the election division under IC 3-6-4.2.
- ~~(10)~~ **(11)** County auditors, in their respective counties.
- ~~(11)~~ **(12)** Any member of the general assembly ~~shall have full~~



power and authority to subscribe and administer oaths and take acknowledgments of all documents whatsoever anywhere in Indiana.

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

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

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

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

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

SECTION 134. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: 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.

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

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

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

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

(1) Identify all contributors and committees that received

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contributions from a contributor during 1997 and 1998.

(2) Identify all candidates and committees that received contributors to a candidate or committee during 1997 and 1998. make the reports required to be filed under IC 3-9-5 for reporting periods, including all or part of calendar years 1997 and 1998, in searchable, digital form available on the Internet.

(e) This SECTION expires January 1, 2000.

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

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

(1) a legislative caucus committee; or

(2) a national party affiliate committee;

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

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

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

(d) This SECTION expires December 31, 2000.

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

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

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

(c) This SECTION expires December 31, 1999.

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

(b) The expenditure codes required under IC 3-9-4-4(a), as amended by this act, do not apply to reports required to be filed before March 31,

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~~1999.~~ **January 1, 2000.**

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

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

(2) the election division is not required to:

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

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

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

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

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

(b) This SECTION expires October 2, 1999.

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

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

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

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

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

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

(g) On July 1, 1999:

(1) all powers, duties, and functions of the combined board

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are transferred to the board;

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

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

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

(i) This SECTION expires January 1, 2001.

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

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

(A) cast absentee ballots; and

(B) subsequently become disqualified before election day; can be prevented without the loss of the secrecy of the ballot by other voters; and

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

(b) This SECTION expires January 1, 2000.

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

(b) This SECTION expires July 1, 1999.

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

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

(c) This SECTION expires January 1, 2000.

SECTION 144. An emergency is declared for this act.

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