

SENATE BILL No. 114

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-4-7; IC 3-6-4.1-6; IC 3-7-33; IC 3-8-4-3; IC 3-10; IC 9-13-1-4; IC 12-7-1-3; IC 16-18-1-3; IC 20-3; IC 20-4-3-1; IC 36-2; IC 36-6-6.

Synopsis: Election law date references. Updates certain reference dates relating to election law. Makes other technical changes. (The introduced version of this bill was prepared by the census data advisory committee.)

Effective: Upon passage; July 1, 2000.

**Landske, Craycraft, Skillman,
Breux**

January 20, 2000, read first time and referred to Committee on Elections.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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SENATE BILL No. 114



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

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

1 SECTION 1. IC 3-5-4-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2000]: Sec. 7. Except as otherwise provided in
3 this title, a reference to a federal statute or regulation in this title is a
4 reference to the statute or regulation as in effect January 1, ~~1996~~ **2000**.

5 SECTION 2. IC 3-6-4.1-6 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) The governor
7 shall appoint one (1) of the members of the commission to be the chair
8 and one (1) of the members of the commission to be the vice chair of
9 the commission. ~~After June 30, 1997,~~ The chair of the commission
10 must be a member of the same political party as the individual who is
11 the secretary of state. The vice chair and the chair may not be affiliated
12 with the same political party.

13 (b) The individuals appointed as chair and vice chair serve in their
14 respective positions until each individual's term as a member of the
15 commission expires.

16 SECTION 3. IC 3-7-33-5 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2000]: Sec. 5. ~~(a) This section applies only to~~



1 an application received by a circuit court clerk or board of registration
2 after May 16, 1995:

3 (b) (a) When the circuit court clerk or board of registration receives
4 an application for a new registration or an application with information
5 that revises or adds information to the applicant's current voter
6 registration record, the clerk or board shall determine if the applicant
7 appears to be eligible to register to vote based on the information in the
8 application.

9 (c) (b) As required under 42 U.S.C. 1973gg-6(a)(2), the circuit court
10 clerk or board of registration shall send a notice to each person from
11 whom the clerk or board receives a voter registration application. The
12 clerk or board shall send a notice to the applicant at the mailing address
13 provided in the application.

14 (d) (c) The notice required by subsection (c) (b) must set forth the
15 following:

- 16 (1) A statement that the application has been received.
- 17 (2) The disposition of the application by the clerk or board.
- 18 (3) If the clerk or board determines that the applicant appears to
19 be eligible, the notice must state the following:

20 (A) The applicant is registered to vote under the residence
21 address when the applicant receives the notice. An applicant
22 is presumed to have received the notice unless the notice is
23 returned by the United States Postal Service due to an
24 unknown or insufficient address.

25 (B) The name of the precinct in which the voter is registered.

26 (C) The address of the polling place for the precinct in which
27 the voter is registered.

- 28 (4) If the clerk or board has denied the application, the notice
29 must include the reasons for the denial.

30 (e) (d) The notice required by subsection (c) (b) may include a voter
31 registration card.

32 (f) (e) If the notice is returned by the United States Postal Service
33 due to an unknown or insufficient address, the clerk or board shall
34 determine that the applicant is ineligible and deny the application.

35 SECTION 4. IC 3-7-33-6 IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2000]: Sec. 6. As provided by 42 U.S.C.
37 1973gg-4(d), if:

- 38 (1) the county voter registration office mails a notice of the
39 disposition of a voter registration application under section 5(c)
40 5(b) of this chapter by nonforwardable mail; and
- 41 (2) the notice is returned as undeliverable, after the applicant is
42 added to the registration rolls under section 5 of this chapter;

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1 the county voter registration office may initiate steps to remove the
 2 voter from the registration rolls as provided in 42 U.S.C. 1973gg-6(d)
 3 and this article.

4 SECTION 5. IC 3-8-4-3 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section applies to
 6 each political party that elects delegates to the party's state convention
 7 at a primary election.

8 (b) Delegates to a state convention shall be chosen at the primary
 9 election conducted by the political party on the first Tuesday after the
 10 first Monday in May ~~1998~~, **2000** and every two (2) years thereafter. If
 11 provided in the rules of the state committee of the political party,
 12 delegates may be elected from delegate districts in each county.

13 (c) Not later than noon November 30 of the year preceding the year
 14 in which the state convention is to be conducted, the state chairman of
 15 a political party shall certify the following to the election division and
 16 to each county committee of the party:

17 (1) The number of delegates to be elected in each county.

18 (2) Whether the delegates are to be elected from districts or at
 19 large in each county.

20 (3) If a county is to elect delegates from districts, how many
 21 districts must be established in each county.

22 (d) The county committee shall establish any delegate districts
 23 required to be established under subsection (c) and file descriptions
 24 setting forth the district boundaries with the county election board not
 25 later than noon December 31 of the year preceding the year the state
 26 convention is to be conducted. If the county committee does not timely
 27 file district descriptions under this subsection, the county election
 28 board shall establish districts not later than the first day that a
 29 declaration of candidacy may be filed under IC 3-8-2-4, and apportion
 30 the delegates to be elected from each district in accordance with
 31 subsection (c).

32 SECTION 6. IC 3-10-1-4.5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4.5. (a) Precinct
 34 committeemen shall be elected on the first Tuesday after the first
 35 Monday in May ~~1998~~ **2002** and every four (4) years thereafter.

36 (b) The rules of a political party may specify whether a precinct
 37 committeeman elected under subsection (a) continues to serve as a
 38 precinct committeeman after the boundaries of the precinct are
 39 changed by a precinct establishment order issued under IC 3-11-1.5.

40 SECTION 7. IC 3-10-2-4 IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2000]: Sec. 4. United States Senators shall be
 42 elected at a general election held in accordance with 2 U.S.C. 1 and as



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1 follows:

2 (1) One (1) in ~~1998~~ **2000** and every six (6) years thereafter.

3 (2) One (1) in ~~2000~~ **2004** and every six (6) years thereafter.

4 SECTION 8. IC 3-10-2-7 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2000]: Sec. 7. The following public officials
6 shall be elected in ~~1998~~ **2002** and every four (4) years thereafter:

7 (1) Secretary of state.

8 (2) Auditor of state.

9 (3) Treasurer of state.

10 (4) Clerk of the supreme court.

11 SECTION 9. IC 3-10-2-12 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. A prosecuting
13 attorney shall be elected in each judicial circuit in ~~1998~~ **2002** and every
14 four (4) years thereafter in accordance with Article 7, Section 16 of the
15 Constitution of the State of Indiana.

16 SECTION 10. IC 3-10-6-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) Except as
18 otherwise provided in this chapter, a municipal primary election shall
19 be held on the first Tuesday after the first Monday in May ~~1999~~ **2003**
20 and every four (4) years thereafter.

21 (b) Each political party whose nominee received at least ten percent
22 (10%) of the votes cast in the state for secretary of state at the last
23 election shall nominate all candidates to be voted for at the municipal
24 election to be held in November.

25 SECTION 11. IC 3-10-6-3 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) Notwithstanding
27 section 2 of this chapter, in a town that adopted an ordinance under
28 IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982,
29 SECTION 3 (before its expiration on January 1, 1988), or section 2.5
30 of this chapter each political party shall, at the primary election in:

31 (1) May ~~1990~~ **2002** and every four (4) years thereafter; and

32 (2) May ~~1991~~ **2003** and every four (4) years thereafter;

33 nominate candidates for the election to be held under section 6(a) of
34 this chapter, unless a primary election is not required under section 4
35 of this chapter. The primary election shall be conducted under this
36 chapter.

37 (b) Notwithstanding section 2 of this chapter, in a town that adopted
38 an ordinance under section 2.6 of this chapter each political party shall,
39 at the primary election in:

40 (1) May ~~1990~~ **2002** and every four (4) years thereafter; and

41 (2) May ~~1992~~ **2004** and every four (4) years thereafter;

42 nominate candidates for the election to be held under section 6(b) of

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1 this chapter, unless a primary election is not required under section 4
 2 of this chapter. The primary election shall be conducted under this
 3 chapter.

4 (c) Notwithstanding section 2 of this chapter, in a town that adopted
 5 an ordinance under section 2.6 of this chapter each political party shall,
 6 at the primary election in May ~~1992~~ **2004** and every four (4) years
 7 thereafter, nominate candidates for the election to be held under section
 8 6(c) of this chapter, unless a primary election is not required under
 9 section 4 of this chapter. The primary election shall be held under this
 10 chapter.

11 SECTION 12. IC 3-10-6-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. Except as otherwise
 13 provided in this chapter, a municipal election shall be held on the first
 14 Tuesday after the first Monday in November ~~1999~~ **2003** and every four
 15 (4) years thereafter. At the election public officials shall be elected to
 16 each municipal and school board office.

17 SECTION 13. IC 3-10-6-6 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) Notwithstanding
 19 section 5 of this chapter, a town that adopted an ordinance under
 20 IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982,
 21 SECTION 3 (before its expiration on January 1, 1988), or section 2.5
 22 of this chapter shall:

23 (1) at the general election in November ~~1990~~ **2002** and every four
 24 (4) years thereafter; and

25 (2) at the municipal election in November ~~1991~~ **2003** and every
 26 four (4) years thereafter;

27 elect town council members for terms of four (4) years to those offices
 28 whose terms expire at noon January 1 following the election, as
 29 provided in IC 36-5-2-3. The election shall be conducted under this
 30 chapter.

31 (b) Notwithstanding section 5 of this chapter, a town that adopted
 32 an ordinance under section 2.6 of this chapter shall:

33 (1) at the general election in November ~~1990~~ **2002** and every four
 34 (4) years thereafter; and

35 (2) at the general election in November ~~1992~~ **2004** and every four
 36 (4) years thereafter;

37 elect town council members for terms of four (4) years to those offices
 38 whose terms expire at noon January 1 of the following year. The
 39 election shall be conducted under this chapter.

40 (c) Notwithstanding section 5 of this chapter, a town that adopted
 41 an ordinance under section 2.6 of this chapter shall, at the general
 42 election in November ~~1992~~ **2004** and every four (4) years thereafter,

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1 elect a town clerk-treasurer and town court judge (if a town court has
 2 been established under IC 33-10.1-1-3) to those offices whose terms
 3 expire at noon January 1 of the following year. The election shall be
 4 conducted under this chapter.

5 SECTION 14. IC 9-13-1-4 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. Except as otherwise
 7 provided in this title, a reference in this title to a federal statute or
 8 regulation relating to the National Voter Registration Act of 1993 (42
 9 U.S.C. 1973gg) is a reference to the statute or regulation as in effect
 10 January 1, ~~1996~~ **2000**.

11 SECTION 15. IC 12-7-1-3 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2000]: **Sec. 3. Except as otherwise provided in this title, a
 14 reference in this title to a federal statute or regulation relating to
 15 the federal National Voter Registration Act of 1993 (42 U.S.C.
 16 1973gg) is a reference to the statute or regulation as in effect
 17 January 1, 2000.**

18 SECTION 16. IC 16-18-1-3 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2000]: **Sec. 3. Except as otherwise provided in this title, a
 21 reference in this title to a federal statute or regulation relating to
 22 the federal National Voter Registration Act of 1993 (42 U.S.C.
 23 1973gg) is a reference to the statute or regulation as in effect
 24 January 1, 2000.**

25 SECTION 17. IC 20-3-21-9 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The members
 27 shall be elected as follows:

28 (1) Three (3) of the members elected under section 3(b)(1) of this
 29 chapter shall be elected at the primary election to be held in ~~1992~~
 30 **2000** and every four (4) years thereafter.

31 (2) Three (3) of the members elected under section 3(b)(1) of this
 32 chapter shall be elected at the primary election to be held in ~~1994~~
 33 **2002** and every four (4) years thereafter.

34 SECTION 18. IC 20-3-22-9 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. The members shall
 36 be elected as follows:

37 (1) Three (3) of the members shall be elected at the primary
 38 election to be held in ~~1992~~ **2000** and every four (4) years
 39 thereafter.

40 (2) Two (2) of the members shall be elected at the primary
 41 election to be held in ~~1994~~ **2002** and every four (4) years
 42 thereafter.



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1 SECTION 19. IC 20-4-3-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) In a community
 3 school corporation set up under IC 20-4-1 that has a population of more
 4 than seventy-five thousand (75,000) but less than ninety thousand
 5 (90,000), and that is the successor in interest to a school city having the
 6 same population, the governing body shall consist of a board of trustees
 7 of five (5) members elected in the manner provided in this chapter.

8 (b) ~~At the time of the 1968~~ **2000** primary election and at each ~~such~~
 9 primary election every four (4) years thereafter, there shall be elected
 10 in each school corporation ~~embraced within the terms of~~ **covered by**
 11 this chapter two (2) school trustees each of whom shall serve for a
 12 ~~period of~~ four (4) years. The two (2) candidates for the office of school
 13 trustee receiving the highest number of votes at ~~such the~~ election shall
 14 take office on July 1 next following the election.

15 (c) ~~At the time of the 1970~~ **2002** primary election and at each ~~such~~
 16 primary election every four (4) years thereafter, there shall be elected
 17 in each school city ~~embraced within the terms of~~ **covered by** this
 18 chapter three (3) school trustees each of whom shall serve for a ~~period~~
 19 ~~of~~ four (4) years. The three (3) candidates for the office of school
 20 trustee receiving the highest number of votes at ~~such the~~ election shall
 21 take office on July 1 next following the election. ~~Thereafter, such~~

22 (d) ~~The~~ school trustees shall be elected at the times ~~above~~ provided
 23 and shall succeed the retiring members in the order and manner as set
 24 forth in this ~~subsection:~~ **section.**

25 SECTION 20. IC 36-2-2-4 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) This subsection
 27 does not apply to a county having a population of:

- 28 (1) more than four hundred thousand (400,000) but less than
 29 seven hundred thousand (700,000); or
 30 (2) more than two hundred thousand (200,000) but less than three
 31 hundred thousand (300,000).

32 The executive shall divide the county into three (3) districts that are
 33 composed of contiguous territory and are reasonably compact. The
 34 district boundaries drawn by the executive must not cross precinct
 35 boundary lines and must divide townships only when a division is
 36 clearly necessary to accomplish redistricting under this section. If
 37 necessary, the county auditor shall call a special meeting of the
 38 executive to establish or revise districts.

39 (b) This subsection applies to a county having a population of more
 40 than four hundred thousand (400,000) but less than seven hundred
 41 thousand (700,000). A county redistricting commission shall divide the
 42 county into three (3) single-member districts that comply with



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- 1 subsection (d). The commission is composed of:
- 2 (1) the members of the Indiana election commission;
- 3 (2) two (2) members of the senate selected by the president pro
- 4 tempore, one (1) from each political party; and
- 5 (3) two (2) members of the house of representatives selected by
- 6 the speaker, one (1) from each political party.
- 7 The legislative members of the commission have no vote and may act
- 8 only in an advisory capacity. A majority vote of the voting members is
- 9 required for the commission to take action. The commission may meet
- 10 as frequently as necessary to perform its duty under this subsection.
- 11 The commission's members serve without additional compensation
- 12 above that provided for them as members of the Indiana election
- 13 commission, the senate, or the house of representatives.
- 14 (c) This subsection applies to a county having a population of more
- 15 than two hundred thousand (200,000) but less than three hundred
- 16 thousand (300,000). The executive shall divide the county into three
- 17 (3) single-member districts that comply with subsection (d).
- 18 (d) Single-member districts established under subsection (b) or (c)
- 19 must:
- 20 (1) be compact, subject only to natural boundary lines (such as
- 21 railroads, major highways, rivers, creeks, parks, and major
- 22 industrial complexes);
- 23 (2) contain, as nearly as is possible, equal population; and
- 24 (3) not cross precinct lines.
- 25 (e) A division under subsection (a), (b), or (c) shall be made:
- 26 (1) in ~~1991~~ 2001 and every ten (10) years after that; and
- 27 (2) when the county adopts an order declaring a county boundary
- 28 to be changed under IC 36-2-1-2.
- 29 (f) A division under subsection (a), (b), or (c) may be made in any
- 30 odd-numbered year not described in subsection (e).
- 31 SECTION 21. IC 36-2-3-4 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) This subsection
- 33 does not apply to a county having a population of:
- 34 (1) more than four hundred thousand (400,000) but less than
- 35 seven hundred thousand (700,000); or
- 36 (2) more than two hundred thousand (200,000) but less than three
- 37 hundred thousand (300,000).
- 38 The county executive shall, by ordinance, divide the county into four
- 39 (4) contiguous, single-member districts that comply with subsection
- 40 (d). If necessary, the county auditor shall call a special meeting of the
- 41 executive to establish or revise districts. One (1) member of the fiscal
- 42 body shall be elected by the voters of each of the four (4) districts.



1 Three (3) at-large members of the fiscal body shall be elected by the
2 voters of the whole county.

3 (b) This subsection applies to a county having a population of more
4 than four hundred thousand (400,000) but less than seven hundred
5 thousand (700,000). The county redistricting commission established
6 under IC 36-2-2-4 shall divide the county into seven (7) single-member
7 districts that comply with subsection (d). One (1) member of the fiscal
8 body shall be elected by the voters of each of these seven (7)
9 single-member districts.

10 (c) This subsection applies to a county having a population of more
11 than two hundred thousand (200,000) but less than three hundred
12 thousand (300,000). The fiscal body shall divide the county into nine
13 (9) single-member districts that comply with subsection (d). Three (3)
14 of these districts must be contained within each of the three (3) districts
15 established under IC 36-2-2-4(c). One (1) member of the fiscal body
16 shall be elected by the voters of each of these nine (9) single-member
17 districts.

18 (d) Single-member districts established under subsection (a), (b), or
19 (c) must:

20 (1) be compact, subject only to natural boundary lines (such as
21 railroads, major highways, rivers, creeks, parks, and major
22 industrial complexes);

23 (2) not cross precinct boundary lines;

24 (3) contain, as nearly as possible, equal population; and

25 (4) include whole townships, except when a division is clearly
26 necessary to accomplish redistricting under this section.

27 (e) A division under subsection (a), (b), or (c) shall be made:

28 (1) in ~~1991~~ 2001 and every ten (10) years after that; and

29 (2) when the county executive adopts an order declaring a county
30 boundary to be changed under IC 36-2-1-2.

31 (f) A division under subsection (a), (b), or (c) may be made in any
32 odd-numbered year not described in subsection (e).

33 SECTION 22. IC 36-6-6-2 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) Except as
35 provided in subsection (b), a three (3) member township board shall be
36 elected under IC 3-10-2-13 by the voters of each township.

37 (b) ~~After December 31, 1996,~~ The township board in a county
38 having a population of more than seven hundred thousand (700,000)
39 shall consist of seven (7) members elected under IC 3-10-2-13 by the
40 voters of each township.

41 (c) The township board is the township legislative body.

42 (d) The term of office of a township board member is four (4) years,



1 beginning January 1 after election and continuing until a successor is
2 elected and qualified.

3 SECTION 23. IC 36-6-6-2.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2.5. (a) This section
5 applies to townships in a county having a population of more than
6 seven hundred thousand (700,000).

7 (b) The legislative body shall adopt a resolution that divides the
8 township into legislative body districts that:

- 9 (1) are composed of contiguous territory;
10 (2) are reasonably compact;
11 (3) respect, as nearly as reasonably practicable, precinct boundary
12 lines; and
13 (4) contain, as nearly as reasonably practicable, equal population.

14 (c) Before a legislative body may adopt a resolution that divides a
15 township into legislative body districts, the secretary of the legislative
16 body shall mail a written notice to the circuit court clerk. This notice
17 must:

- 18 (1) state that the legislative body is considering the adoption of a
19 resolution to divide the township into legislative body districts;
20 and
21 (2) be mailed not later than ten (10) days before the legislative
22 body adopts the resolution.

23 (d) The legislative body shall make a division into legislative body
24 districts at the following times:

- 25 ~~(1) In 1995.~~
26 ~~(2) (1) In 2001.~~
27 ~~(3) (2) Every ten (10) years after 2002.~~
28 ~~(4) (3) Subject to IC 3-11-1.5-32.5, whenever the boundary of the~~
29 ~~township changes.~~

30 (e) The legislative body may make the division under this section at
31 any time, subject to IC 3-11-1.5-32.5.

32 SECTION 24. IC 36-6-6-4 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) Except as
34 provided in subsection (b), two (2) members of the legislative body
35 constitute a quorum.

36 (b) ~~After December 31, 1996,~~ Four (4) members of the legislative
37 body in a county having a population of more than seven hundred
38 thousand (700,000) constitute a quorum.

39 SECTION 25. **An emergency is declared for this act.**

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