

---

---

# HOUSE BILL No. 1340

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-1-2; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-13-1; IC 14-33-5-10; IC 20-3-20-4; IC 20-4-1-26.5.

**Synopsis:** Primary elections. Changes the date for primary elections from May to June. Requires that state conventions of political parties be held at least 90 days before the primary election. (Under current law, the convention must be held not later than 60 days after the primary election.) Requires that the county central committee of a major political party conduct a county convention in February before the primary to select state convention delegates. Permits candidates for United States Senator and governor to be placed on the primary election ballot by the state convention of the political party. Provides that a political party may elect precinct committeemen at a primary election if the political party's candidate for secretary of state receives at least 5% of the vote for secretary of state at the most recent election. (Under current law, the political party's candidate for secretary of state must receive at least 10% of the vote for secretary of state at the election.) Makes conforming amendments.

**Effective:** January 1, 2001.

---

---

## Mangus

---

---

January 11, 2000, read first time and referred to Committee on Elections and Apportionment.

---

---

C  
O  
P  
Y



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.

C  
O  
P  
Y

# HOUSE BILL No. 1340



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 3-5-1-2 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JANUARY 1, 2001]: Sec. 2. The types of elections to
- 3 which this title applies are classified as follows:
- 4 (1) General election, which is conducted statewide on the first
- 5 Tuesday after the first Monday in November of each
- 6 even-numbered year.
- 7 (2) Municipal election, in which the electorate of a municipality
- 8 chooses by ballot public officials for the municipality or decides
- 9 a public question lawfully submitted to the electorate of the
- 10 municipality.
- 11 (3) Primary election, which is conducted for the purpose of
- 12 choosing by ballot the following:
- 13 (A) The candidates who will be the nominees of a political
- 14 party for elected offices in a general or municipal election.
- 15 (B) The precinct committeemen of a political party.
- 16 ~~(C) The delegates to a political party's state convention.~~
- 17 (4) School district election, in which the electorate of a school



1 district chooses by ballot members of the school board.

2 (5) Special election, which is conducted for a special purpose as  
3 provided by law.

4 SECTION 2. IC 3-6-2-1 IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JANUARY 1, 2001]: Sec. 1. Each political party whose  
6 nominee received at least ~~ten~~ **five** percent (~~10%~~) (**5%**) of the votes cast  
7 in the state for secretary of state at the last election may have precinct  
8 committeemen elected at the same time as a primary election in  
9 accordance with IC 3-10-1-4.5 if provided by the rules of the political  
10 party.

11 SECTION 3. IC 3-6-6-7 IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JANUARY 1, 2001]: Sec. 7. (a) An otherwise qualified  
13 person is eligible to serve as a precinct election officer unless the  
14 person:

- 15 (1) is unable to read, write, and speak the English language;  
16 (2) has any property bet or wagered on the result of the election;  
17 (3) is a candidate to be voted for at the election, except as an  
18 unopposed candidate for a precinct committeeman; ~~or state~~  
19 ~~convention delegate~~; or  
20 (4) is the spouse, parent, father-in-law, mother-in-law, child,  
21 son-in-law, daughter-in-law, grandparent, grandchild, brother,  
22 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece  
23 of a candidate or declared write-in candidate to be voted for at the  
24 election, except an unopposed candidate. This subdivision  
25 disqualifies a person whose relationship to the candidate is the  
26 result of birth, marriage, or adoption.

27 (b) In addition to the requirements of subsection (a), a person is not  
28 eligible to serve as an inspector if the person is the chairman or  
29 treasurer of the committee of a candidate whose name appears on the  
30 ballot.

31 SECTION 4. IC 3-6-9-1 IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JANUARY 1, 2001]: Sec. 1. (a) If:

- 33 (1) twenty-six percent (26%) or more of all candidates of a  
34 political party who are candidates for:  
35 (A) nomination to elected offices at a county or municipal  
36 primary election, not including candidates ~~for delegates to the~~  
37 ~~state convention or candidates~~ for precinct committeemen; or  
38 (B) precinct committeemen at an election for precinct  
39 committeemen, whose names are certified to the county  
40 election board as candidates to be voted for at the primary  
41 election for precinct committeemen; or  
42 (2) any candidate or group of candidates for a school board office;

C  
O  
P  
Y



1 desire to have watchers at the polls in any precinct of the county or  
 2 municipality, they shall sign a written statement indicating their desire  
 3 to name watchers.

4 (b) If the candidates signing the statement are candidates for  
 5 nomination at a county primary election or for election as precinct  
 6 committeemen or to a school board office, the written statement shall  
 7 be filed with the circuit court clerk of the county where the candidates  
 8 reside.

9 (c) If the candidates signing the statement are candidates for  
 10 nomination at a municipal primary election, the written statement shall  
 11 be filed with the circuit court clerk of the county that contains the  
 12 greatest percentage of the population of the election district.

13 SECTION 5. IC 3-7-26-4 IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JANUARY 1, 2001]: Sec. 4. Each year the circuit court  
 15 clerk or board of registration shall submit the information before noon  
 16 **February March 15**, current as of **February March 1**.

17 SECTION 6. IC 3-8-1-32 IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JANUARY 1, 2001]: Sec. 32. A candidate for

19 ~~(1) precinct committeeman or~~

20 ~~(2) delegate to a state convention;~~

21 of each political party in the state whose nominee received at least ~~ten~~  
 22 **five** percent ~~(10%)~~ **(5%)** of the total vote cast for secretary of state at  
 23 the last election must have voted, at the candidate's most recent vote at  
 24 a primary election, for the candidates of the political party with which  
 25 the candidate seeks affiliation. However, a candidate is not disqualified  
 26 for not having previously voted in a primary election.

27 SECTION 7. IC 3-8-2-1 IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JANUARY 1, 2001]: Sec. 1. This chapter applies to the  
 29 following:

30 (1) Each political party in the state whose nominee received at  
 31 least ~~ten~~ **five** percent ~~(10%)~~ **(5%)** of the total vote cast for  
 32 secretary of state at the last election.

33 (2) Write-in candidates.

34 SECTION 8. IC 3-8-2-3 IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JANUARY 1, 2001]: Sec. 3. A person who desires to be  
 36 elected ~~either or both of the following~~ **precinct committeeman** at a  
 37 primary election shall file a declaration of candidacy.

38 ~~(1) Precinct committeeman:~~

39 ~~(2) Delegate to a state convention:~~

40 SECTION 9. IC 3-8-2-4 IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JANUARY 1, 2001]: Sec. 4. (a) **Except for a candidate**  
 42 **nominated by a political party's last state convention held under**

C  
O  
P  
Y



1 **IC 3-8-4**, a declaration of candidacy for a primary election must be  
 2 filed no later than noon seventy-four (74) days and no earlier than one  
 3 hundred four (104) days before the primary election. The declaration  
 4 must be subscribed and sworn to before a person authorized to  
 5 administer oaths.

6 (b) A declaration of intent to be a write-in candidate must be filed  
 7 not later than noon five (5) days before the final date for the delivery  
 8 of absentee ballots under IC 3-11-4-15 and not earlier than ninety (90)  
 9 days before a general election. The declaration must be subscribed and  
 10 sworn to before a person authorized to administer oaths.

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

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

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

18 that year as a result of the new tabulation of population or corrected  
 19 population count.

20 SECTION 10. IC 3-8-2-6 IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JANUARY 1, 2001]: Sec. 6. (a) A declaration of  
 22 candidacy for:

23 (1) any local office not described in section 5 of this chapter; **or**

24 (2) precinct committeeman; **or**

25 ~~(3) delegate to a state convention;~~

26 shall be filed in the office of the county election board located in the  
 27 county seat.

28 (b) Whenever the election district for a local office includes more  
 29 than one (1) county, the declaration of candidacy shall be filed in the  
 30 office of the county election board located in the county seat of the  
 31 county that contains the greatest percentage of population of the  
 32 election district.

33 (c) This subsection applies to a county having a population of more  
 34 than four hundred thousand (400,000) but less than seven hundred  
 35 thousand (700,000). The chief deputy of the combined election board  
 36 and board of registration shall post for public inspection a copy of each  
 37 declaration of candidacy filed under this section on the day the  
 38 declaration is filed.

39 SECTION 11. IC 3-8-2-8 IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JANUARY 1, 2001]: Sec. 8. (a) **Except for a candidate**  
 41 **placed on the ballot by a state convention under IC 3-8-4-25**, a  
 42 declaration of candidacy for the office of United States Senator or for

C  
O  
P  
Y



1 the office of governor must be accompanied by a petition signed by at  
 2 least five thousand (5,000) voters of the state, including at least five  
 3 hundred (500) voters from each congressional district.

4 (b) Each petition must contain the following:

- 5 (1) The signature of each petitioner.  
 6 (2) The name of each petitioner legibly printed.  
 7 (3) The residence mailing address of each petitioner.

8 (c) This subsection applies to a petition filed during the period:

- 9 (1) beginning on the date that a congressional district plan has  
 10 been adopted under IC 3-3; and  
 11 (2) ending on the date that the part of the act or order issued under  
 12 IC 3-3-2 establishing the previous congressional district plan is  
 13 repealed or superseded.

14 The petition must be signed by at least five thousand (5,000) voters of  
 15 Indiana, including at least five hundred (500) voters from each  
 16 congressional district created by the most recent congressional district  
 17 plan adopted under IC 3-3.

18 SECTION 12. IC 3-8-2-10 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. A petition  
 20 required by section 8 of this chapter must be submitted to the circuit  
 21 court clerk or board of registration during the period beginning ~~January~~  
 22 **February** 1 of the year in which the primary election will be held and  
 23 ending at noon seventy-seven (77) days before the primary election.

24 SECTION 13. IC 3-8-3-4 IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JANUARY 1, 2001]: Sec. 4. A petition required by  
 26 section 2 of this chapter must be submitted to the county voter  
 27 registration office during the period beginning ~~January~~ **February** 1 of  
 28 the year in which the primary election will be held and ending at noon  
 29 ten (10) days before the final date for filing a declaration of candidacy  
 30 under IC 3-8-2-4 for the primary election.

31 SECTION 14. IC 3-8-3.5 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 33 JANUARY 1, 2001]:

34 **Chapter 3.5. County Conventions**

35 **Sec. 1. This chapter applies to each political party in the state**  
 36 **whose nominee received at least five percent (5%) of the total vote**  
 37 **cast for secretary of state at the last election for secretary of state.**

38 **Sec. 2. Each county committee of the political party shall hold**  
 39 **a county convention on the date in February provided by the**  
 40 **political party's state committee's rules.**

41 **Sec. 3. Each member of the county committee is a delegate to the**  
 42 **county convention.**



C  
O  
P  
Y

1        **Sec. 4. The county convention for a political party shall elect**  
 2 **delegates to the state convention of that political party.**

3        **Sec. 5. An individual elected as a state convention delegate**  
 4 **under section 4 of this chapter must satisfy the following:**

- 5            (1) **The individual must be a registered voter.**  
 6            (2) **The individual must be a member of that political party.**  
 7            (3) **The individual must be a member of the county committee**  
 8 **or hold an elected office.**

9        **Sec. 6. An individual who holds a judicial office or an office**  
 10 **filled by a nonpartisan election may not be elected as a state**  
 11 **convention delegate.**

12        **Sec. 7. A political party's state committee may adopt rules for**  
 13 **county conventions that are not inconsistent with this chapter.**

14        SECTION 15. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JANUARY 1, 2001]: Sec. 2. (a) A political party shall  
 16 conduct a state convention to nominate the candidates of the political  
 17 party for the following offices to be voted on at the next ~~general~~  
 18 **primary** election:

- 19            (1) Lieutenant governor.  
 20            (2) Secretary of state.  
 21            (3) Auditor of state.  
 22            (4) Treasurer of state.  
 23            (5) Attorney general.  
 24            (6) Superintendent of public instruction.  
 25            (7) Clerk of the supreme court.

26        (b) **After candidates are nominated for the offices listed in**  
 27 **subsection (a), candidates for the following offices, if on the next**  
 28 **primary election ballot, shall then be nominated under section 25**  
 29 **of this chapter:**

- 30            (1) **United States Senator.**  
 31            (2) **Governor.**

32        (c) The convention shall also:

- 33            (1) nominate candidates for presidential electors and alternate  
 34 electors; and  
 35            (2) elect the delegates and alternate delegates to the national  
 36 convention of the political party.

37        SECTION 16. IC 3-8-4-25 IS ADDED TO THE INDIANA CODE  
 38 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
 39 JANUARY 1, 2001]: **Sec. 25. (a) A candidate for nomination for the**  
 40 **office of:**

- 41            (1) **United States Senator; or**  
 42            (2) **governor;**

C  
O  
P  
Y



1 **who receives at least twenty-five percent (25%) of the votes cast by**  
 2 **the delegates present and voting shall be placed on the primary**  
 3 **election ballot at the following primary election without the**  
 4 **submission of a petition under IC 3-8-2-8.**

5 SECTION 17. IC 3-8-6-10, AS AMENDED BY P.L.176-1999,  
 6 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JANUARY 1, 2001]: Sec. 10. (a) Except as provided in section 11 of  
 8 this chapter, a petition of nomination must be submitted to the county  
 9 voter registration office of each county in which the election district is  
 10 located.

11 (b) The petition must be filed during the period beginning ~~January~~  
 12 **February** 1 of the year in which the election will be held and ending  
 13 at noon ~~July~~ **August** 15 before the election.

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

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

28 SECTION 18. IC 3-8-6-12, AS AMENDED BY P.L.176-1999,  
 29 SECTION 33, AND AS AMENDED BY P.L.202-1999, SECTION 8,  
 30 IS AMENDED AND CORRECTED TO READ AS FOLLOWS  
 31 [EFFECTIVE JANUARY 1, 2001]: Sec. 12. (a) A petition of  
 32 nomination for an office filed under section 10 of this chapter must be  
 33 filed with and certified by the person with whom a declaration of  
 34 candidacy must be filed under IC 3-8-2.

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

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



C  
O  
P  
Y

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

C  
O  
P  
Y

1 nomination includes the following information near the separate  
2 signature required by subsection (b)(2):

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

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

6 (f) A candidate's consent to become a candidate must include a  
7 statement that the candidate requests the name on the candidate's voter  
8 registration record be the same as the name the candidate uses on the  
9 consent to become a candidate. If there is a difference between the  
10 name on the candidate's consent to become a candidate and the name  
11 on the candidate's voter registration record, the officer with whom the  
12 consent to become a candidate is filed shall forward the information to  
13 the voter registration officer of the appropriate county as required by  
14 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
15 shall change the name on the candidate's voter registration record to be  
16 the same as the name on the candidate's consent to become a candidate.

17 SECTION 19. IC 3-8-6-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 13.5. A candidate  
18 may withdraw a petition of nomination **by not later than noon**

19 ~~(+) August 1 before a general or municipal election; or~~

20 ~~(2) forty-five (45) days before a special the election.~~

21 SECTION 20. IC 3-8-7-2 IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JANUARY 1, 2001]: Sec. 2. The election division shall,  
23 not later than noon ~~August 20~~, **September 15**, certify the primary  
24 election results canvassed and tabulated under IC 3-10-1-34 for:

25 (1) candidates for federal and state offices; and

26 (2) candidates for legislative and local offices who are required to  
27 file a declaration of candidacy with the election division under  
28 IC 3-8-2;

29 to the county election board of each county in which the candidates are  
30 to be voted for at the next general election. No other form of  
31 certification of nomination for the offices is necessary.

32 SECTION 21. IC 3-8-7-3, AS AMENDED BY P.L.144-1999,  
33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JANUARY 1, 2001]: Sec. 3. (a) Except as provided in subsection (b),  
35 an error in certification discovered before ~~sixty (60)~~ **forty-five (45)**  
36 days before a general election shall be corrected by the public officials  
37 charged with the duties of certification.

38 (b) An error in certification of candidates for a town office under  
39 IC 3-8-5 discovered before September 18 before a town election shall  
40 be corrected by the public officials charged with the duties of  
41 certification.  
42



C  
O  
P  
Y

1 SECTION 22. IC 3-8-7-5 IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JANUARY 1, 2001]: Sec. 5. (a) Each circuit court clerk,  
 3 not later than noon on the first Monday after a primary election  
 4 conducted in a year in which a general election will be held, shall  
 5 furnish the election division with a complete list of all

6 ~~(1) candidates nominated and~~

7 ~~(2) state convention delegates elected;~~

8 at the primary election.

9 (b) The list must include the address of each candidate and delegate  
 10 and the United States congressional district in which each candidate  
 11 and delegate resides.

12 SECTION 23. IC 3-8-7-6, AS AMENDED BY P.L.176-1999,  
 13 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JANUARY 1, 2001]: Sec. 6. (a) Not later than noon ~~ten (10)~~ **seven (7)**  
 15 days after:

16 (1) receipt of the candidate lists from each circuit court clerk  
 17 under section 5 of this chapter; or

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

20 whichever occurs later, the secretary of state shall furnish to the state  
 21 chairman of each major political party of the state a list, certified under  
 22 the secretary's hand and seal.

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

24 (1) contain the names of all candidates nominated as certified by  
 25 the circuit court clerks under section 5 of this chapter;

26 (2) contain the names of all candidates shown to be nominated by  
 27 the canvass of the election division conducted under  
 28 IC 3-10-1-34; and

29 (3) include the address of each candidate.

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

33 SECTION 24. IC 3-8-7-8, AS AMENDED BY P.L.202-1999,  
 34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JANUARY 1, 2001]: Sec. 8. (a) Either the chairman and secretary of  
 36 a state convention or the state chairman and state secretary of the  
 37 political party holding the state convention shall certify each candidate  
 38 nominated at the convention to the secretary of state by noon ~~August~~  
 39 ~~+~~ **March 31** before the ~~general~~ **primary** election.

40 (b) The certification must state the following:

41 (1) Whether each candidate nominated by the convention has  
 42 complied with IC 3-9-1-5 by filing a campaign finance statement

C  
O  
P  
Y



- 1 of organization.
- 2 (2) That the candidate:
- 3 (A) is aware of the provisions of IC 3-9 regarding campaign
- 4 finance and the reporting of campaign contributions and
- 5 expenditures; and
- 6 (B) agrees to comply with the provisions of IC 3-9.
- 7 The candidate must separately sign the statement required by this
- 8 subdivision.
- 9 (c) The commission shall prescribe the form of the certification of
- 10 nomination for the offices. The commission shall provide that the form
- 11 of the certification of nomination include the following information
- 12 near the separate signature required by subsection (b)(2):
- 13 (1) The dates for filing campaign finance reports under IC 3-9.
- 14 (2) The penalties for late filing of campaign finance reports under
- 15 IC 3-9.
- 16 (d) A certificate of nomination must include a statement that the
- 17 candidate requests the name on the candidate's voter registration record
- 18 be the same as the name the candidate uses on the certificate of
- 19 nomination. If there is a difference between the name on the candidate's
- 20 certificate of nomination and the name on the candidate's voter
- 21 registration record, the officer with whom the certificate of nomination
- 22 is filed shall forward the information to the voter registration officer of
- 23 the appropriate county as required by IC 3-5-7-6(e). The voter
- 24 registration officer of the appropriate county shall change the name on
- 25 the candidate's voter registration record to be the same as the name on
- 26 the candidate's certificate of nomination.
- 27 SECTION 25. IC 3-8-7-11 IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. (a) Except as
- 29 provided in subsection (f), if a political party has filed a statement with
- 30 the election division (or any of its predecessors) that the device
- 31 selected by the political party be used to designate the candidates of the
- 32 political party on the ballot for all elections throughout the state, the
- 33 device must be used until:
- 34 (1) the device is changed in accordance with party rules; and
- 35 (2) a statement concerning the use of the new device is filed with
- 36 the election division.
- 37 (b) Except as provided in subsection (c), the device may be any
- 38 appropriate symbol.
- 39 (c) A political party or an independent candidate may not use as a
- 40 device:
- 41 (1) a symbol that has previously been filed by a political party or
- 42 candidate with the election division (or any of its predecessors);

C  
O  
P  
Y

1 (2) the coat of arms or seal of the state or of the United States;  
 2 (3) the national or state flag; or  
 3 (4) any other emblem common to the people.  
 4 (d) Not later than noon, ~~August 20~~, **September 15**, before each  
 5 election:  
 6 (1) the state chairman of each political party whose candidates are  
 7 to be certified under this section; or  
 8 (2) an individual filing a petition of nomination for candidates to  
 9 be certified under this section;  
 10 shall file with the election division a camera-ready copy of the device  
 11 under which the candidates of the political party or the petitioner are  
 12 to be listed so that ballots may be prepared using the best possible  
 13 reproduction of the device.  
 14 (e) This subsection applies to a candidate or political party whose  
 15 name or device is to be printed only on ballots prepared by a county  
 16 election board. Not later than noon ~~August 20~~, **September 15**, the  
 17 chairman of the political party or the petitioner of nomination shall file  
 18 a camera-ready copy of the device under which the candidates of the  
 19 political party or the petitioner are to be listed with the county election  
 20 board of each county in which the name of the candidate or party will  
 21 be placed on the ballot.  
 22 (f) If a copy of the device is not filed in accordance with subsection  
 23 (c) or (d), or unless a device is designated in accordance with section  
 24 26 or 27 of this chapter, the election division or county election board  
 25 is not required to use any device to designate the list of candidates.  
 26 SECTION 26. IC 3-8-7-12 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. (a) A  
 28 certificate of nomination for an office to be elected by the electorate of  
 29 the whole state shall be filed with the election division. A certificate of  
 30 nomination for any other elected office shall be filed with the person  
 31 with whom a declaration of candidacy shall be filed.  
 32 (b) The election division shall, not later than noon ~~August 20~~,  
 33 **September 15**, certify each certificate of nomination filed in the  
 34 election division to the appropriate county election board.  
 35 SECTION 27. IC 3-8-7-14 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. A certificate  
 37 of nomination required to be filed with the election division or circuit  
 38 court clerk shall be filed ~~no not~~ later than noon ~~August 1~~ **September**  
 39 **10** before the date fixed for the election of the person nominated.  
 40 SECTION 28. IC 3-8-7-16 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16. (a) **Except as**  
 42 **provided in subsection (c)**, the election division shall certify the

C  
O  
P  
Y



1 following to each county election board not later than noon ~~August 20~~  
 2 ~~(or noon sixty (60) days before the general election for nominees for~~  
 3 ~~United States President and Vice President) September 15~~ before an  
 4 election:

5 (1) The name and place of residence of each person nominated for  
 6 election to:

7 (A) an office for which the electorate of the whole state may  
 8 vote;

9 (B) the United States House of Representatives;

10 (C) a legislative office; or

11 (D) a local office for which a declaration of candidacy must be  
 12 filed with the election division under IC 3-8-2.

13 (2) The name of each:

14 (A) justice of the supreme court;

15 (B) judge of the court of appeals; and

16 (C) judge of the tax court;

17 who is subject to a retention vote by the electorate and who has  
 18 filed a statement under IC 33-2.1-2-6 indicating that the justice or  
 19 judge wishes to have the question of the justice's or judge's  
 20 retention placed on the ballot.

21 (b) Subject to compliance with section 11 of this chapter, the  
 22 election division shall designate the device under which the list of  
 23 candidates of each political party will be printed and the order in which  
 24 the political party ticket will be arranged under IC 3-10-4-2 and  
 25 IC 3-11-2-6.

26 **(c) The election division shall certify the nominees for United**  
 27 **States President and Vice President to each county election board**  
 28 **not later than noon October 2 before a general election for**  
 29 **nominees for United States President and Vice President.**

30 SECTION 29. IC 3-8-7-21, AS AMENDED BY P.L.38-1999,  
 31 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JANUARY 1, 2001]: Sec. 21. (a) If a person has been nominated by  
 33 two (2) or more political parties, or as an independent candidate and as  
 34 the nominee of at least one (1) political party, the person must elect  
 35 which of the nominations the person will accept.

36 (b) The election must be in writing, signed, acknowledged before an  
 37 officer authorized to take acknowledgments, and filed in the office  
 38 where a declaration of candidacy must be filed for the office under  
 39 IC 3-8-2 or where a certificate of nomination by a convention must be  
 40 filed under this chapter by noon ~~August~~ **September 10** before the  
 41 election.

42 SECTION 30. IC 3-8-7-25 IS AMENDED TO READ AS



C  
O  
P  
Y

1 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 25. The election  
 2 division and each county election board shall have printed on the  
 3 respective **primary**, general, special, or municipal election ballots the  
 4 names of the following candidates:

5 (1) Nominees chosen at a primary election under IC 3-10 and  
 6 certified as required by this chapter.

7 (2) Nominees chosen by a convention of a political party in the  
 8 state whose candidate received at least two percent (2%) of the  
 9 total vote cast for secretary of state at the last election and  
 10 certified under section 8 of this chapter.

11 (3) Nominees nominated by petition under IC 3-8-6.

12 (4) Nominees selected to fill a candidate vacancy under IC 3-13-1  
 13 or IC 3-13-2.

14 SECTION 31. IC 3-8-7-28 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 28. (a) Except as  
 16 provided in subsections (b) and (c), if a nominee certified under this  
 17 chapter desires to withdraw from the ticket, the nominee must file a  
 18 notice of withdrawal in writing with the public official with whom the  
 19 certificate of nomination was filed by noon

20 ~~(1) July 15 before a general or municipal election; or~~

21 ~~(2) forty-five (45) days before a special the election.~~

22 (b) A candidate who is disqualified from being a candidate under  
 23 IC 3-8-1-5 must file a notice of withdrawal immediately upon  
 24 becoming disqualified. The filing requirements of subsection (a) do not  
 25 apply to a notice of withdrawal filed under this subsection.

26 (c) A candidate who has moved from the election district the  
 27 candidate sought to represent must file a notice of withdrawal  
 28 immediately after changing the candidate's residence. The filing  
 29 requirements of subsection (a) do not apply to a notice of withdrawal  
 30 filed under this subsection.

31 SECTION 32. IC 3-10-1-2 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. Each political  
 33 party whose nominee received at least ~~ten five~~ percent ~~(10%)~~ **(5%)**  
 34 of the votes cast in the state for secretary of state at the last election shall  
 35 hold a primary election under this chapter to select nominees to be  
 36 voted for at the general election.

37 SECTION 33. IC 3-10-1-3 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. A primary  
 39 election shall be held on the first Tuesday after the ~~first~~ **second**  
 40 Monday in ~~May~~ **June** of each year in which a general election is held.

41 SECTION 34. IC 3-10-1-4 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. (a) At a

C  
O  
P  
Y



1 primary election each political party subject to section 2 of this chapter  
 2 shall nominate its candidates for the following offices to be voted for  
 3 at the general election:

- 4 (1) United States Senator.  
 5 (2) Governor.  
 6 (3) United States Representative.  
 7 (4) Legislative offices.  
 8 (5) Local offices.

9 (b) In addition, each political party subject to section 2 of this  
 10 chapter shall:

- 11 (1) vote on candidates for nomination as President of the United  
 12 States; **and**  
 13 ~~(2) elect delegates from each county to the party's state~~  
 14 ~~convention; and~~  
 15 ~~(3)~~ **(2)** elect a precinct committeeman for each precinct in the  
 16 county if precinct committeemen are to be elected under section  
 17 4.5 of this chapter.

18 SECTION 35. IC 3-10-1-4.5 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4.5. (a) Precinct  
 20 committeemen shall be elected on the first Tuesday after the **first**  
 21 **second** Monday in ~~May 1998~~ **June 2002** and every four (4) years  
 22 thereafter.

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

27 SECTION 36. IC 3-10-1-33, AS AMENDED BY P.L.176-1999,  
 28 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JANUARY 1, 2001]: Sec. 33. (a) The county election board shall also  
 30 make an additional duplicate showing the votes cast for each candidate  
 31 required to file a declaration of candidacy with the election division  
 32 under IC 3-8-2.

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

37 SECTION 37. IC 3-10-1-34, AS AMENDED BY P.L.176-1999,  
 38 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JANUARY 1, 2001]: Sec. 34. The election division, not later than  
 40 noon:

- 41 (1) on the second ~~Wednesday~~ **Tuesday** following a primary  
 42 election conducted in a year in which a general election will be

C  
O  
P  
Y



1 held; or

2 (2) seven (7) days after receipt of the final recount certificate  
3 transmitted under IC 3-12-6-31 or IC 3-12-11-18;  
4 whichever occurs later, shall canvass the votes cast for candidates  
5 required to file a declaration of candidacy with the election division  
6 under IC 3-8-2 and tabulate the result as provided in IC 3-12.

7 SECTION 38. IC 3-10-2-15, AS AMENDED BY P.L.202-1999,  
8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JANUARY 1, 2001]: Sec. 15. (a) This section applies to a political  
10 party whose nominee received at least two percent (2%) but less than  
11 ~~ten five~~ percent (~~+10%~~) (**5%**) of the votes cast for secretary of state at  
12 the last election for that office.

13 (b) This section applies only to a local office that is:

14 (1) not listed in IC 3-8-2-5; and

15 (2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

16 (c) A political party subject to this section shall nominate the party's  
17 candidate for a local office at a county convention of the party.

18 (d) The chairman and secretary of the convention shall execute a  
19 certificate of nomination in writing, setting out the following:

20 (1) The name of each nominee as:

21 (A) the nominee wants the nominee's name to appear on the  
22 ballot; and

23 (B) the nominee's name is permitted to appear on the ballot  
24 under IC 3-5-7.

25 (2) The residence address of each nominee.

26 (3) The office for which each nominee was nominated.

27 (4) That each nominee is legally qualified to hold office.

28 (5) The political party device or emblem by which the ticket will  
29 be designated on the ballot.

30 Both the chairman and secretary shall acknowledge the certificate  
31 before an officer authorized to take acknowledgment of deeds.

32 (e) Each candidate nominated under this section shall execute a  
33 consent to the nomination in the same form as a candidate nominated  
34 by petition under IC 3-8-6.

35 (f) The certificate required by subsection (d) and the consent  
36 required by subsection (e) must be filed with the circuit court clerk of  
37 the county containing the greatest percentage of population of the  
38 election district for which the candidate has been nominated by the  
39 convention not later than noon ~~August 1~~ **September 10**.

40 (g) A candidate's consent to the nomination must include a  
41 statement that the candidate requests the name on the candidate's voter  
42 registration record be the same as the name the candidate uses on the

C  
O  
P  
Y



1 consent to the nomination. If there is a difference between the name on  
 2 the candidate's consent to the nomination and the name on the  
 3 candidate's voter registration record, the officer with whom the consent  
 4 to the nomination is filed shall forward the information to the voter  
 5 registration officer of the appropriate county. The voter registration  
 6 officer of the appropriate county shall change the name on the  
 7 candidate's voter registration record to be the same as the name on the  
 8 candidate's consent to the nomination.

9 SECTION 39. IC 3-10-3-1 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. (a) Whenever  
 11 a proposed state constitutional amendment or other public question is  
 12 submitted by the general assembly under Article 16 of the Constitution  
 13 of the State of Indiana to the electorate of the state for a popular vote,  
 14 the election division shall certify the public question to the county  
 15 election board of each county.

16 (b) If the vote is to occur at a general election, the election division  
 17 shall certify by noon ~~August 20~~ **September 15** before the election. If  
 18 a special election is to be held, the election division shall certify at least  
 19 thirty (30) days before the election. Each county election board shall  
 20 publish notice of the public question in accordance with IC 5-3-1.

21 SECTION 40. IC 3-10-4-5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 5. (a) This  
 23 subsection applies to a major political party and to a political party  
 24 subject to IC 3-8-4-10. The state chairman of each political party shall  
 25 certify to the election division the names of the nominees of the party  
 26 for President and Vice President of the United States and the state of  
 27 which each nominee is a resident.

28 (b) If candidates for presidential electors are nominated by  
 29 petitioners instead of by a convention of a major political party or a  
 30 party subject to IC 3-8-4-10, the petitioners shall certify with the list of  
 31 names of electors:

- 32 (1) the names of their nominees for President and Vice President
- 33 of the United States;
- 34 (2) the state of which each nominee is a resident; and
- 35 (3) the name of the political party of the nominees, or that the
- 36 nominees are an independent ticket.

37 (c) This subsection applies to a political party described in  
 38 subsection (a) and to candidates nominated by petitioners under  
 39 subsection (b). The names of:

- 40 (1) all candidates for presidential electors; and
- 41 (2) all nominees for President and Vice President of the United
- 42 States;



C  
O  
P  
Y

1 shall be certified by noon ~~September~~ **October** 1 before the general  
2 election.

3 (d) The names of all candidates for presidential electors for a  
4 write-in candidate shall be included on the declaration for candidacy  
5 filed by a write-in candidate for the office of President or Vice  
6 President of the United States filed under IC 3-8-2.

7 SECTION 41. IC 3-10-6-2 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. (a) Except as  
9 otherwise provided in this chapter, a municipal primary election shall  
10 be held on the first Tuesday after the ~~first~~ **second** Monday in ~~May 1999~~  
11 **June 2003** and every four (4) years thereafter.

12 (b) Each political party whose nominee received at least ~~ten~~ **five**  
13 percent (~~10%~~) (**5%**) of the votes cast in the state for secretary of state  
14 at the last election shall nominate all candidates to be voted for at the  
15 municipal election to be held in November.

16 SECTION 42. IC 3-10-6-3 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. (a)  
18 Notwithstanding section 2 of this chapter, in a town that adopted an  
19 ordinance under IC 18-3-1-16(b) (before its repeal on September 1,  
20 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1,  
21 1988), or section 2.5 of this chapter each political party shall, at the  
22 primary election in:

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

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

25 nominate candidates for the election to be held under section 6(a) of  
26 this chapter, unless a primary election is not required under section 4  
27 of this chapter. The primary election shall be conducted under this  
28 chapter.

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

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

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

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

38 (c) Notwithstanding section 2 of this chapter, in a town that adopted  
39 an ordinance under section 2.6 of this chapter each political party shall,  
40 at the primary election in ~~May 1992~~ **June 2004** and every four (4) years  
41 thereafter, nominate candidates for the election to be held under section  
42 6(c) of this chapter, unless a primary election is not required under



C  
O  
P  
Y

1 section 4 of this chapter. The primary election shall be held under this  
2 chapter.

3 SECTION 43. IC 3-10-6-12, AS AMENDED BY P.L.202-1999,  
4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JANUARY 1, 2001]: Sec. 12. (a) This section applies to a political  
6 party:

7 (1) not qualified to conduct a primary election under IC 3-10; and

8 (2) not required to nominate candidates by a petition of  
9 nomination under IC 3-8-6.

10 (b) The political party may conduct a convention to nominate  
11 candidates for city or town office.

12 (c) The chairman and secretary of the convention shall execute and  
13 acknowledge a certificate setting forth the nominees of the convention  
14 in accordance with IC 3-8-5-13. The certificate must be filed with the  
15 circuit court clerk of the county containing the greatest percentage of  
16 population of the municipality not later than noon ~~August 28.~~  
17 **September 10.**

18 (d) Each candidate nominated under this section shall execute a  
19 consent to the nomination in the same form as a candidate nominated  
20 by petition under IC 3-8-6. The consent must be filed with the  
21 certificate under subsection (c).

22 (e) A candidate's consent to the nomination must include a  
23 statement that the candidate requests the name on the candidate's voter  
24 registration record be the same as the name the candidate uses on the  
25 consent to the nomination. If there is a difference between the name on  
26 the candidate's consent to the nomination and the name on the  
27 candidate's voter registration record, the officer with whom the consent  
28 to the nomination is filed shall forward the information to the voter  
29 registration officer of the appropriate county as required by  
30 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
31 shall change the name on the candidate's voter registration record to be  
32 the same as the name on the candidate's consent to the nomination.

33 SECTION 44. IC 3-10-9-3 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. If a local public  
35 question must be certified to an election board by law, that certification  
36 must occur ~~no~~ **not** later than noon:

37 (1) sixty (60) days before a primary election if the public question  
38 is to be placed on the primary or municipal primary election  
39 ballot; or

40 (2) ~~August +~~ **September 10** if the public question is to be placed  
41 on the general or municipal election ballot.

42 SECTION 45. IC 3-11-1.5-12 IS AMENDED TO READ AS



C  
O  
P  
Y

1 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. If a county  
 2 executive adopts the use of voting machines, ballot card voting  
 3 systems, or electronic voting systems in a county in which voting  
 4 machines, ballot card voting systems, or electronic voting systems have  
 5 not been previously used, the county executive may establish precincts  
 6 after primary election day and before ~~August 1~~ **September 10** by  
 7 combining two (2) or more precincts into one (1) precinct.

8 SECTION 46. IC 3-11-4-4 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. (a)  
 10 Applications may be made:

- 11 (1) in person;  
 12 (2) by FAX transmission; or  
 13 (3) by mail;

14 on application forms furnished by the county election board or  
 15 approved by the commission.

16 (b) Application forms shall:

- 17 (1) be furnished to all central committees in the county no later  
 18 than:

19 (A) ~~June 15~~, **August 1** for a general election or a special  
 20 election ordered under IC 3-12-8-17 or IC 3-12-11-18  
 21 following the primary election; or

22 (B) ~~January~~ **February 15**, for a primary election or a special  
 23 election ordered under IC 3-12-8-17 or IC 3-12-11-18  
 24 following the general election;

25 (2) be:

26 (A) mailed; or

27 (B) except as provided in subsection (c), transmitted by FAX  
 28 machine;

29 upon request, to a voter applying by mail, by telephone, or by  
 30 FAX transmission; and

31 (3) be delivered to a voter in person who applies at the circuit  
 32 court clerk's office.

33 (c) The county election board shall:

34 (1) accept; and

35 (2) transmit;

36 applications for absentee ballots under subsection (a) using a facsimile  
 37 (FAX) machine only if the county election board owns or has access to  
 38 a FAX machine. However, a county election board shall accept an  
 39 application for an absentee ballot transmitted by FAX machine even  
 40 though the application is delivered to the county election board by a  
 41 person other than the person submitting the application.

42 SECTION 47. IC 3-11-4-10 IS AMENDED TO READ AS



C  
O  
P  
Y

1 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. Each circuit  
2 court clerk shall:

- 3 (1) not less than ~~sixty (60)~~ **fifty (50)** days before the date on  
4 which a general, primary, or municipal election is held; or  
5 (2) not more than three (3) days after the date on which a special  
6 election is ordered;

7 estimate the number of absentee ballots that will be required in the  
8 county for the election.

9 SECTION 48. IC 3-11-4-13 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 13. (a) Except as  
11 provided in subsection (b), the absentee ballots that are prepared and  
12 printed under the direction of the election division shall be delivered  
13 to the circuit court clerk or the clerk's authorized deputy not less than  
14 ~~forty-five (45)~~ **forty (40)** days before a general election or twenty-nine  
15 (29) days before a special election. The absentee ballots shall be  
16 delivered in the same manner that other official ballots are delivered.

17 (b) An absentee ballot described by section 12(d) of this chapter  
18 shall be delivered by the election division to the circuit court clerk or  
19 the clerk's authorized deputy not later than the first Monday in June  
20 before a general election.

21 SECTION 49. IC 3-11-4-15 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. The absentee  
23 ballots that are prepared and printed under the direction of a county  
24 election board shall be delivered to the circuit court clerk at least:

- 25 (1) ~~forty-five (45)~~ **forty (40)** days before a general, primary, or  
26 municipal election;  
27 (2) thirty-two (32) days before a special election.

28 SECTION 50. IC 3-11-4-18 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 18. (a) If a voter  
30 is entitled to vote an absentee ballot, the county election board shall, at  
31 the request of the voter, mail the official ballot, postage fully prepaid,  
32 to the voter at the address stated in the application.

33 (b) The ballot shall be mailed:

- 34 (1) on the day of the receipt of the voter's application; or  
35 (2) not more than ~~five (5)~~ **three (3)** days after the date of delivery  
36 of the ballots under section 15 of this chapter;

37 whichever is later.

38 (c) In addition to the ballot mailed under subsection (b), the county  
39 election board shall mail a special absentee ballot for:

- 40 (1) absent uniformed services voters; and  
41 (2) overseas voters;

42 who will be outside of the United States on general election day.



C  
O  
P  
Y

1 (d) The ballot described in subsection (c):

2 (1) must be mailed:

3 (A) on the day of the receipt of the voter's application; or

4 (B) not more than ~~five (5)~~ **three (3)** days after the date of  
5 delivery of the ballots under section 13(b) of this chapter;

6 whichever is later; and

7 (2) may not be mailed after the absentee ballots described by  
8 section 13(a) of this chapter have been delivered to the circuit  
9 court clerk or the clerk's authorized deputy.

10 SECTION 51. IC 3-11-12-35 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 35. The county  
12 auditor shall securely keep the keys returned under section 34 of this  
13 chapter and may not permit the keys to be taken or a voting machine to  
14 be unlocked, except as provided by law, for ~~sixty (60)~~ **thirty (30)** days  
15 after the election unless:

16 (1) ordered otherwise by a court;

17 (2) required under IC 3-12; or

18 (3) requested by the election division for the purposes of  
19 conducting an evaluation of the county's voting system.

20 SECTION 52. IC 3-13-1-2 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. A candidate  
22 vacancy that exists on a primary election ballot may not be filled for the  
23 primary election. The resulting vacancy on the following general or  
24 municipal election ballot may be filled in the manner prescribed by this  
25 chapter, but only if it is filled by noon ~~August 1~~ **September 10** before  
26 election day.

27 SECTION 53. IC 3-13-1-7, AS AMENDED BY P.L.176-1999,  
28 SECTION 113, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JANUARY 1, 2001]: Sec. 7. (a) Except as provided in  
30 subsection (c), action to fill a candidate vacancy for an office for which  
31 a declaration of candidacy must be filed with the secretary of state  
32 under IC 3-8-2-5 must be taken:

33 (1) before noon thirty-five (35) days after the primary election if  
34 the vacancy exists on a general election ballot; and

35 (2) within thirty (30) days after the occurrence of the vacancy, if  
36 the vacancy exists on a special election ballot, subject to section  
37 2 of this chapter.

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

40 (1) before noon ~~August 1~~ **September 10**, if the vacancy exists on a  
41 general or municipal election ballot; and

42 (2) within thirty (30) days after the occurrence of the vacancy, if

C  
O  
P  
Y



- 1 the vacancy exists on a special election ballot, subject to section  
2 2 of this chapter.
- 3 (c) This subsection applies to a candidate vacancy that exists due to:  
4 (1) the death of a candidate;  
5 (2) the withdrawal of a candidate;  
6 (3) the disqualification of a candidate under IC 3-8-1-5; or  
7 (4) a court order issued under IC 3-8-7-29(d);  
8 before the thirtieth day before a general, municipal, or special election.  
9 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this  
10 chapter for reasons permitted under this subsection must be taken  
11 within thirty (30) days after the occurrence of the vacancy.
- 12 SECTION 54. IC 14-33-5-10 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. (a)  
14 Notwithstanding other provisions of this chapter, this section applies  
15 to all districts described in IC 14-33-9-4.
- 16 (b) The following shall serve as advisory members of the board and  
17 have all privileges of membership except the right to vote:  
18 (1) The city engineer of each second class city in the district.  
19 (2) The county surveyor of the county.  
20 (3) The chairman of the county soil and water conservation  
21 district.
- 22 (c) On the same day as the primary election held in even-numbered  
23 years, the voters shall select the area directors. At the initial election  
24 held under this section, the authority that makes the initial appointment  
25 of directors under section 1 of this chapter shall designate the initial  
26 terms of the directors elected as follows:  
27 (1) One-half (1/2) plus one (1) of the directors serve for two (2)  
28 year terms.  
29 (2) The other directors serve for four (4) year terms.  
30 After the first election, all directors serve for four (4) year terms. Area  
31 directors take office on ~~June~~ **July 1** after election.
- 32 (d) The initial appointments of directors under section 1 of this  
33 chapter shall be made so that the directors serve until the election in the  
34 first even-numbered year following the year of appointment.
- 35 (e) Nominations for director signed by at least five (5) freeholders  
36 shall be filed with the county election board during the period when  
37 filing for other county offices takes place, and the board shall publicly  
38 invite nominations at least five (5) days before this filing period begins.
- 39 (f) Each director must be a freeholder and a resident of the district  
40 from which elected. Only one (1) director may be elected from each  
41 district.
- 42 (g) When a vacancy occurs on the board:



C  
O  
P  
Y

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

(1) the chairman of the board; or  
(2) five (5) freeholders from the district where the vacancy exists; may petition the appointing authority to have the appointing authority make an appointment to fill the vacancy for the remainder of the unexpired term.

SECTION 55. IC 20-3-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. (a) The circuit court clerk of the county shall provide notice of the referendum to the registered voters who reside within the boundaries of the school corporation:

- (1) at least one (1) time;
  - (2) in at least one (1) newspaper of general circulation that is published in the county; and
  - (3) not earlier than ~~March~~ **April** 15 nor later than ~~April~~ **May** 15 of the year in which the referendum is held.
- (b) The notice published under subsection (a) must:
- (1) state that the referendum is called to afford the registered voters an opportunity to vote on whether members of the governing body will be elected;
  - (2) state that the referendum will be held at the next primary election to be held on the first Tuesday after the ~~first~~ **second** Monday in ~~May~~; **June**;
  - (3) state that the referendum will be held on a nonpartisan basis and that all registered voters residing within the boundaries of the (insert the name of school corporation) may vote in the referendum; and
  - (4) designate that the voting place or places at which the referendum will be held must be those that are:
    - (A) used for the next primary election; and
    - (B) located within the boundaries of the (insert the name of school corporation).

(c) The referendum question must be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state:  
"Shall the members of the board of school trustees of the (insert the name of school corporation) be elected in the general election from five (5) districts and from two (2) at-large positions in the school corporation?"

SECTION 56. IC 20-4-1-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 26.5. (a) This section applies to each school corporation, whenever created.

(b) If the board of school trustees is to be elected at the primary election, each registered voter may vote in the board of school trustee

C  
O  
P  
Y



1 election without otherwise voting in the primary election.

2 (c) If a tie vote occurs among any of the candidates, the judge of the  
3 circuit court, or in case of a united school corporation, the judge of the  
4 circuit court of the county having the most pupils enrolled in the united  
5 school corporation, shall select one (1) of the candidates who shall be  
6 declared and certified elected.

7 (d) If after the first board of school trustees takes office, there is a  
8 vacancy on the board of school trustees for any reason, including the  
9 failure of the sufficient number of petitions for candidates being filed,  
10 and whether the vacating member was elected or appointed, the  
11 remaining members of the board of school trustees, whether or not a  
12 majority of the board, shall by a majority vote fill the vacancy by  
13 appointing a person from within the boundaries of the community  
14 school corporation, with the residence and other qualifications  
15 provided for a regularly elected or appointed board member filling the  
16 office, to serve for the term or balance of terms respectively. If a tie  
17 vote occurs among the remaining members of the board or the board  
18 fails to act within thirty (30) days after any vacancy occurs, the judge  
19 of the circuit court in the county where the majority of registered voters  
20 of the school corporation reside shall make the appointment.

21 (e) A vacancy in the board of trustees occurs if a member ceases to  
22 be a resident of any community school corporation. A vacancy does not  
23 occur when the member moves from a district of the school corporation  
24 from which the member was elected or appointed as long as the  
25 member continues to be a resident of the school corporation.

26 (f) At the first primary or general election in which members of the  
27 board of school trustees are elected, a simple majority of the candidates  
28 elected as members of the board of school trustees who receive the  
29 highest number of votes shall be elected for four (4) year terms. The  
30 balance of the candidates elected as members of the board of school  
31 trustees receiving the next highest number of votes shall be elected for  
32 two (2) year terms. Thereafter, all school board members shall be  
33 elected for four (4) year terms.

34 (g) Board members elected in November take office and assume  
35 their duties on January 1 or July 1 after their election, as determined by  
36 the board of school trustees before the election. Board members elected  
37 in ~~May~~ **June** take office and assume their duties on July 1 after their  
38 election.

39 SECTION 57. THE FOLLOWING ARE REPEALED [EFFECTIVE  
40 JANUARY 1, 2001]: IC 3-8-4-3; IC 3-8-4-5.

C  
O  
P  
Y