HOUSE BILL No. 1119

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-10-4; IC 3-11; IC 3-12-5.

Synopsis: Electoral college. Provides that Indiana electors for President and Vice President of the United States are chosen so that the candidate for President receiving the greatest number of votes in an Indiana congressional district receives the vote of one Indiana presidential elector. Provides that the candidate for President receiving the greatest number of votes in Indiana receives the vote of two at-large Indiana presidential electors. Requires a presidential elector representing an Indiana congressional district to vote for President and Vice President of the United States the candidates who receive the greatest number of votes in the congressional district. Requires an at-large presidential elector to vote for President and Vice President of the United States the candidates who receive the greatest number of votes in Indiana.

Effective: July 1, 2001.

Day

January 9, 2001, read first time and referred to Committee on Elections and Apportionment.

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Introduced

First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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HOUSE BILL No. 1119

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

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

SECTION 1. IC 3-8-2-2.5, AS AMENDED BY P.L.26-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom **a** declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

(1) The candidate's name must be printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

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

(2) A statement that the candidate is a registered voter and the

location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party).

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors. **The statement must indicate the following:**

(A) The individuals designated to be at-large presidential electors.

(B) The individuals designated to represent Indiana congressional districts as presidential electors and which congressional district each individual is designated to represent.

(7) 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.

(8) A statement as to whether the candidate has:

(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee 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 to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that

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the candidate is required 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.

(B) The candidate makes more than five hundred dollars ($500) in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

(e) A person may not be a write-in candidate in a contest for nomination or for election to a political party office.

(f) A write-in candidate for the office of President or Vice President of the United States must list at least one (1) candidate for presidential elector and may not list more than the total number of presidential electors to be chosen in Indiana.

(g) The commission shall provide that the form of a declaration of intent to be a write-in candidate includes the following information near the separate signature required by subsection (b)(7):

(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.

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county

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shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

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

(1) Lieutenant governor.
(2) Secretary of state.
(3) Auditor of state.
(4) Treasurer of state.
(5) Attorney general.
(6) Superintendent of public instruction.
(7) Clerk of the supreme court.

(b) The convention shall also **do the following:**

(1) Nominate candidates for presidential electors and alternate electors. ~~and~~ **When nominating candidates for presidential electors, a political party shall designate the following:**

(A) The candidates nominated to be at-large presidential electors.

(B) The candidates nominated to represent an Indiana congressional district as a presidential elector and which congressional district each candidate is nominated to represent.

(2) Elect the delegates and alternate delegates to the national convention of the political party.

SECTION 3. IC 3-10-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The device, title, and names of nominees appearing on a ballot or ballot label shall be accompanied by a statement that a ballot cast for the named candidates for President and Vice President of the United States is considered a ballot cast for ~~the slate of~~ **each of the following:**

(1) The presidential ~~electors~~ **elector** nominated by that political party or independent candidate **to represent the Indiana congressional district in which the ballot is cast.**

(2) The two (2) at-large presidential electors nominated by that political party or independent candidate.

SECTION 4. IC 3-10-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. **(a)** Each vote cast or registered for the nominees for President and Vice President of the United States of a political party, group of petitioners, or a write-in candidate for President or Vice President of the United States **in an Indiana**

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congressional district is a vote cast or registered, **and shall be counted as a vote,** for ~~all of~~ **each of the following:**

(1) The ~~candidates~~ **candidate** for presidential ~~electors of~~ **elector nominated by** the party, group **of petitioners,** or candidate ~~and shall be so counted.~~ **to represent the Indiana congressional district in which the vote is cast or registered.**

(2) The two (2) at-large presidential electors nominated by that political party, group of petitioners, or write-in candidate.

(b) Except as provided in subsection (c), these votes shall be counted, canvassed, and certified in the same manner as the votes for candidates for other offices.

(c) When votes are counted, canvassed, and certified, the total number of votes for each of the candidates for President and Vice President in each Indiana congressional district must be reported.

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

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

(1) The names of their nominees for President and Vice President of the United States.

(2) The state of which each nominee is a resident. ~~and~~

(3) The name of the political party of the nominees, or that the nominees are an independent ticket.

(c) This subsection applies to a political party described in subsection (a) and to candidates nominated by petitioners under subsection (b). **The following information must be certified not later than noon September 1 before the general election:**

(1) The names of ~~(1)~~ all:

(A) candidates for presidential electors; and

~~(2) all~~ **(B)** nominees for President and Vice President of the United States.

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

(2) For each presidential elector, one (1) of the following:

(A) The congressional district the elector is nominated to

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represent.

(B) That the elector is an at-large elector.

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

SECTION 6. IC 3-10-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. **(a)** The presidential electors, when assembled and after vacancies are filled, shall then vote by paper ballot for President and Vice President of the United States and perform the duties imposed upon them by the Constitution and statutes of the United States and of this state.

(b) Each elector representing an Indiana congressional district shall vote for the candidates for President and Vice President of the United States who have been certified to have received the greatest number of votes in the congressional district the elector represents.

(c) An at-large elector shall vote for the candidates for President and Vice President of the United States who have been certified to have received the greatest number of votes in Indiana.

SECTION 7. IC 3-11-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) A voting machine must permit a voter to vote:

(1) except at a primary election, for:

(A) all the candidates of one (1) political party;

(B) one (1) or more candidates of each political party;

(C) one (1) or more candidates nominated by petition under IC 3-8-6; or

(D) a write-in candidate, unless the procedures in subsection (b) are followed;

(2) for as many candidates for an office as the voter may vote for, but no more; **and**

(3) for or against a public question on which the voter may vote, but no other. ~~and~~

~~(4) for all the candidates for presidential electors of a political party or an independent ticket at one (1) time.~~

(b) In a precinct using voting machines that do not permit write-in votes, the precinct election board shall provide a paper ballot to a voter who requests to cast a write-in vote. After such a request, a poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) require the voter to sign the poll list; and

(2) inform the voter of the procedure that must be followed to cast a write-in vote.

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SECTION 8. IC 3-11-7.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. An electronic voting system must permit a voter to vote:

(1) except at a primary election, for all the candidates of one (1) political party, for one (1) or more candidates of each political party, or for one (1) or more candidates nominated by petition;

(2) for as many candidates for an office as the voter may vote for, but no more; **and**

(3) for or against a public question on which the voter may vote, but no other. ~~and~~

~~(4) for all the candidates for presidential electors of a political party or an independent ticket at one (1) time.~~

SECTION 9. IC 3-12-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Not later than noon on the Monday following an election, each circuit court clerk shall prepare a certified statement under the clerk's seal of the number of votes received by each candidate for **each of the following:**

(1) **Each** federal office. **When reporting the statement of votes for President and Vice President of the United States, a circuit court clerk shall report separately the votes that each candidate received in each congressional district in the county.**

(2) **Each** state office.

(3) **Each** legislative office. ~~and~~

(4) ~~a~~ **Each** local office for which a declaration of candidacy must be filed with the election division under IC 3-8-2.

(b) The clerk shall send the statements by certified mail, return receipt requested, or hand deliver the statements to the election division.

SECTION 10. IC 3-12-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. **(a)** Upon receipt of the certified statements from the circuit court clerks under section 6 of this chapter and not later than noon of the last Tuesday in November, the election division shall tabulate the number of votes cast for each candidate for **each of the following:**

(1) ~~presidential electors;~~ **President and Vice President of the United States. When tabulating votes for President and Vice President of the United States, the election division shall report the following:**

(A) The total number of votes that each candidate for President and Vice President of the United States received in each Indiana congressional district.

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(B) The total number of votes that each candidate for President and Vice President of the United States received in Indiana.

(2) ~~a~~ **Each** state office other than governor and lieutenant governor. ~~and~~

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

(b) Immediately following the election division's tabulation, the secretary of state shall certify to the governor the **following:**

(1) The candidate receiving the highest number of votes for each office.

(2) The names of the at-large presidential electors elected.

(3) The name of each of the presidential electors elected to represent Indiana congressional districts and the congressional district each elector represents.

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