



February 20, 2002

**ENGROSSED
HOUSE BILL No. 1101**

DIGEST OF HB 1101 (Updated February 18, 2002 11:57 AM - DI 102)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-13; IC 6-1.1; IC 36-1.

Synopsis: Various election law changes. Makes changes to election law concerning the following: (1) The formulation by the election commission of a statement of a "voter's bill of rights". (2) The date that electronic filing of certain campaign finance reports is considered to have occurred. (3) The total number of signatures that a candidate for President of the United States, United States Senator, or governor is required to obtain to qualify for placement on the ballot. (4) The requirement for an individual who registers to vote to provide the last four digits of the individual's Social Security number. (5) The filing of statements of organization by political committees. (6) Administrative disbanding of political committees. (7) An erroneous reference in a statute relating to absentee voting. (8) Deadlines for taking certain actions relating to filling candidate vacancies. (9) Determination of the political affiliation of an appointee to a local board. (10) Authorizing (Continued next page)

Effective: Upon passage; July 1, 2002; January 1, 2003.

**Kromkowski, Richardson, Cheney,
Behning**

(SENATE SPONSORS — LANDSKE, BREAUX, SKILLMAN, CRAYCRAFT)

January 8, 2002, read first time and referred to Committee on Elections and Apportionment.

January 30, 2002, amended, reported — Do Pass.

February 4, 2002, read second time, ordered engrossed. Engrossed.

February 5, 2002, read third time, passed. Yeas 94, nays 1.

SENATE ACTION

February 11, 2002, read first time and referred to Committee on Legislative Apportionment and Elections.

February 19, 2002, amended, reported favorably — Do Pass.

EH 1101—LS 6448/DI 75+



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the election commission to adopt rules to update standards for voting systems. (11) Establishing a procedure for a member of a county election board to file a protest with the state election commission when an election ballot does not comply with the requirements of IC 3-11-2 or is otherwise not in the form required by law. (12) The requirement that nominees be listed on a general election ballot in type with uniform capital letters and with uniform space between each name. (13) Authorizing a county election board to establish the number of voters a precinct may contain that permits the precinct to have its polls located at the same location as another precinct. (14) Authorizing the town of Danville to adopt an ordinance changing the date of its municipal elections to coincide with a general election. (15) Authorizing a county to appeal to the department of local government finance for permission to exceed the ad valorem property tax levy limits to pay for a new voting system or the expansion or upgrade of an existing voting system. (16) Repealing a provision establishing a board of registration in each county having a population of more than 125,000.

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February 20, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

ENGROSSED HOUSE BILL No. 1101

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 3-5-2-24.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 24.5. "Filing" means
3 **the following:**

4 **(1) For purposes of filing an electronic report under**
5 **IC 3-9-4-4 or IC 3-9-5-7, when the requirements of IC 3-9-4-4**
6 **or IC 3-9-5-7 have been met.**

7 **(2) For all other purposes, when all of the following have**
8 **occurred:**

9 **(+) (A)** The presentation of a document to an individual
10 required to receive the document under this title.

11 **(-) (B)** The receipt of the document by the individual. ~~and~~

12 **(-) (C)** The recording of the date and time the document was
13 received by the individual.

14 SECTION 2. IC 3-5-2-48.5 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 48.5. "Testing
16 authority" means an independent test authority as described in:

17 **(1)** Appendix L of the Performance and Test Standards for

EH 1101—LS 6448/DI 75+



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Punchcard, Marksense, and Direct Recording Electronic Voting Systems issued by the Federal Election Commission in January 1990; or

(2) other more recent voting systems standards adopted by the commission under IC 3-11-15-13.

SECTION 3. IC 3-5-2-50.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: **Sec. 50.4. "Voter's bill of rights" refers to the statement prescribed by the commission under IC 3-5-8.**

SECTION 4. IC 3-5-8 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]:

Chapter 8. The Voter's Bill of Rights

Sec. 1. The commission shall prescribe a statement of the rights of a voter in Indiana that shall be known as "the voter's bill of rights".

Sec. 2. The statement required by section 1 of this chapter must contain the following:

- (1) A statement of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration.**
- (2) A statement describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote.**
- (3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in the election.**
- (4) A statement describing how a voter who is challenged at the polls may be permitted to vote.**
- (5) A statement informing the voter what assistance is available to assist the voter at the polls.**
- (6) A statement informing the voter what circumstances will spoil the voter's ballot and the procedures available for the voter to request a new ballot.**
- (7) A statement describing which voters will be permitted to vote at the closing of the polls.**
- (8) Other information that the commission considers important for a voter to know.**

Sec. 3. The commission may require a copy of the voter's bill of rights to be distributed with voter registration materials or other materials that are given to voters.

Sec. 4. The secretary of state or other state agency posting

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1 election information on the state's Internet site shall include the
2 voter's bill of rights on the site.

3 **Sec. 5. Not later than thirty (30) days before a primary, general,**
4 **or municipal election, the secretary of state shall request Indiana**
5 **news media to include a copy of the voter's bill of rights as part of**
6 **election coverage or in public service announcements.**

7 SECTION 5. IC 3-6-4.1-14 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) In addition to
9 other duties prescribed by law, the commission shall do the following:

- 10 (1) Administer Indiana election laws.
11 (2) Adopt rules under IC 4-22-2 to do the following:
12 (A) Govern the fair, legal, and orderly conduct of elections,
13 including the following:
14 (i) Emergency rules described in section 16 of this chapter
15 to implement a court order requiring the commission, the
16 election division, or an election board or official to
17 administer an election in a manner not authorized by this
18 title.
19 (ii) Rules (including joint rules with other agencies when
20 necessary) to implement and administer NVRA.
21 (B) Carry out IC 3-9 (campaign finance).
22 (C) Govern the establishment of precincts under IC 3-11-1.5.
23 (D) Specify procedures and fees for the processing of an
24 application from a vendor for voting systems approval and
25 testing.
26 (E) Prescribe formats for the storage and submission of
27 computerized voter registration records by county and state
28 agencies or offices.
29 (3) Prescribe a uniform set of election and registration forms for
30 use throughout Indiana, except when prescribed by this title.
31 (4) Advise and exercise supervision over local election and
32 registration officers.

33 **(5) Investigate and take action on petitions filed under**
34 **IC 3-11-2-17.**

35 (b) This section does not divest a county election board of any
36 powers and duties imposed on the board in IC 3-6-5, except that if
37 there is a deadlock on a county election board, the county election
38 board shall submit the question to the commission for final
39 determination.

40 SECTION 6. IC 3-7-12-1, AS AMENDED BY P.L.144-2001,
41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: Sec. 1. (a) This section does not apply to the

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1 following counties:

2 (1) A county in which a board of elections and registration is
3 established under IC 3-6-5.2 or IC 3-6-5.4.

4 (2) A county in which a board of registration is established
5 ~~(A) by this chapter; or~~
6 ~~(B)~~ by a county acting under this chapter.

7 (b) The circuit court clerk:

8 (1) is the voter registration officer of each county; and

9 (2) shall supervise the registration of voters of the county.

10 SECTION 7. IC 3-7-12-4 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: Sec. 4. The county executive of a
12 county not described in ~~section 2 or 3 of this chapter IC 3-6-5.2 or~~
13 ~~IC 3-6-5.4~~ may adopt an order to establish a board of registration.

14 SECTION 8. IC 3-8-2-8 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) A declaration of candidacy
16 for the office of United States Senator or for the office of governor
17 must be accompanied by a petition signed by at least ~~five four~~
18 ~~thousand (5,000)~~ **five hundred (4,500)** voters of the state, including at
19 least five hundred (500) voters from each congressional district.

20 (b) Each petition must contain the following:

21 (1) The signature of each petitioner.

22 (2) The name of each petitioner legibly printed.

23 (3) The residence mailing address of each petitioner.

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

25 (1) beginning on the date that a congressional district plan has
26 been adopted under IC 3-3; and

27 (2) ending on the date that the part of the act or order issued under
28 IC 3-3-2 establishing the previous congressional district plan is
29 repealed or superseded.

30 The petition must be signed by at least ~~five four~~ thousand ~~(5,000)~~ **five**
31 **hundred (4,500)** voters of Indiana, including at least five hundred
32 (500) voters from each congressional district created by the most recent
33 congressional district plan adopted under IC 3-3.

34 SECTION 9. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A request filed under section
36 1 of this chapter must be accompanied by a petition signed by at least
37 ~~five four~~ thousand ~~(5,000)~~ **five hundred (4,500)** voters of the state,
38 including at least five hundred (500) voters from each congressional
39 district.

40 (b) Each petition must contain the following:

41 (1) The signature of each petitioner.

42 (2) The name of each petitioner legibly printed.

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- 1 (3) The residence mailing address of each petitioner.
- 2 (c) This subsection applies to a petition filed during the period:
- 3 (1) beginning on the date that a congressional district plan has
- 4 been adopted under IC 3-3; and
- 5 (2) ending on the date that the part of the act or order issued under
- 6 IC 3-3-2 establishing the previous congressional district plan is
- 7 repealed or superseded.

8 The petition must be signed by at least ~~five~~ **four** thousand ~~(5,000)~~ **five**
 9 **hundred (4,500)** voters of Indiana, including at least five hundred
 10 (500) voters from each congressional district created by the most recent
 11 congressional district plan adopted under IC 3-3.

12 SECTION 10. IC 3-7-13-13, AS ADDED BY P.L.199-2001,
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2002]: Sec. 13. (a) Except as provided in subsection (b), when
 15 an individual registers to vote, the individual must provide the
 16 individual's driver's license number issued under IC 9-24-11 or the
 17 individual's identification card number issued under IC 9-24-16.

18 (b) If an individual does not have a driver's license issued under
 19 IC 9-24-11 or an identification card issued under IC 9-24-16, the
 20 individual ~~may~~ **must** provide the last four (4) digits of the individual's
 21 Social Security number when the individual registers to vote.

22 (c) The number provided by the individual under subsection (a) or
 23 (b) is the individual's voter identification number.

24 (d) A voter's voter identification number may not be changed unless
 25 the voter made an error when providing the number when registering
 26 to vote.

27 (e) If a voter transfers the voter's registration and the voter's voter
 28 identification number is not included in the voter's registration records,
 29 the voter registration officer of the county in which the voter's
 30 registration is to be transferred shall require the voter to provide the
 31 number required by subsection (a) or (b) before the voter's registration
 32 is transferred.

33 SECTION 11. IC 3-9-1-3 IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2002]: Sec. 3. Each committee must file a
 35 statement of organization ~~no not~~ later than noon ten (10) days ~~after its~~
 36 ~~organization or~~ after it becomes a committee.

37 SECTION 12. IC 3-9-1-12, AS AMENDED BY P.L.176-1999,
 38 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2002]: Sec. 12. (a) A committee may disband at any time in
 40 the manner prescribed by this section.

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

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

- 3 (1) A candidate's committee for state office.
4 (2) A candidate's committee for legislative office.
5 (3) A legislative caucus committee.
6 (4) A political action committee that has filed a statement or
7 report with the election division.
8 (5) A regular party committee that has filed a statement or report
9 with the election division.

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

- 12 (1) A candidate's committee for a local office.
13 (2) A candidate's committee for a school board office.
14 (3) A political action committee that has filed a statement or
15 report with the election board, unless the political action
16 committee has also filed a report with the election division.
17 (4) A regular party committee that has filed a statement or report
18 with the election board, unless the regular party committee has
19 also filed a report with the election division.

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

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

26 (2) If the election division or county election board determines
27 ~~that a committee:~~ **both of the following, the election division or**
28 **county election board may begin a proceeding before the**
29 **commission or board to administratively disband the**
30 **committee:**

31 (A) **The committee** has not filed any report of expenditures
32 during the previous three (3) calendar years.

33 ~~(B)~~ **Owes no debts to any person other than:**

- 34 (i) a civil penalty assessed by the commission or board; or
35 (ii) to an individual who was a candidate and also serves as
36 the chairman or treasurer of the candidate's committee, if the
37 committee filed a report under this article; and

38 ~~(C)~~ **(B) The committee** last reported cash on hand in an
39 amount that does not exceed one thousand dollars (\$1,000), if
40 the committee filed a report under this article.

41 ~~the election division or county election board may begin a~~
42 ~~proceeding before the commission or board to administratively~~

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- 1 ~~disband the committee.~~
- 2 (3) The election division or county election board shall provide
- 3 notice of the proceeding by certified mail to the last known
- 4 address of the chairman and treasurer of the committee.
- 5 (4) The commission or board may issue an order administratively
- 6 dissolving the committee and waiving any outstanding civil
- 7 penalty previously imposed by the commission or board, if the
- 8 commission or board makes the following findings:
- 9 (A) There is no evidence that the committee continues to
- 10 receive contributions, make expenditures, or otherwise
- 11 function as a committee.
- 12 (B) The prudent use of public resources makes further efforts
- 13 to collect any outstanding civil penalty imposed against the
- 14 committee wasteful or unjust.
- 15 (C) According to the best evidence available to the
- 16 commission or board, the dissolution of the committee will not
- 17 impair any contract or impede the collection of a debt or
- 18 judgment by any person.
- 19 (5) The election division shall arrange for the publication in the
- 20 Indiana Register of an order administratively disbanding a
- 21 committee. A county election board shall publish a notice under
- 22 IC 5-3-1 stating that the board has disbanded a committee under
- 23 this subsection. The notice must state the date of the order and the
- 24 name of the committee, but the board is not required to publish
- 25 the text of the order.
- 26 (6) An order issued under this subsection takes effect immediately
- 27 upon its adoption, unless otherwise specified in the order.
- 28 (f) If the chairman or treasurer of a committee wishes to disband the
- 29 committee, the committee must do either of the following:
- 30 (1) Give written notification of the dissolution and transfer a
- 31 surplus of contributions less expenditures to any one (1) or a
- 32 combination of the following:
- 33 (A) One (1) or more regular party committees.
- 34 (B) One (1) or more candidate's committees.
- 35 (C) The election division.
- 36 (D) An organization exempt from federal income taxation
- 37 under Section 501 of the Internal Revenue Code.
- 38 (E) Contributors to the committee, on a pro rata basis.
- 39 (2) Use the surplus in any other manner permitted under
- 40 IC 3-9-3-4.
- 41 (g) Except as provided in subsection (e) concerning the waiver of
- 42 civil penalties, a dissolution or transfer of funds does not relieve the

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1 committee or the committee's members from civil or criminal liability.

2 SECTION 13. IC 3-9-4-4, AS AMENDED BY P.L.176-1999,
3 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2002]: Sec. 4. (a) The election division shall develop a filing
5 and coding system consistent with the purposes of this article. The
6 election division and each county election board shall use the filing and
7 coding system. The coding system must provide:

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

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

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

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

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

20 (3) Provide for electronic submission, retrieval, storage, and
21 disclosure of campaign finance reports of candidates for the
22 following:

23 (A) Legislative office.

24 (B) State office.

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

28 (c) This subsection applies to an electronic submission under
29 subsection (b)(3). An electronic submission must be in a format
30 previously approved by the commission that permits the election
31 division to print out a hard copy of the report ~~upon~~ **after** the receipt of
32 the electronic submission from the candidate. Filing of a report occurs
33 under IC 3-5-2-24.5 ~~when on the date and at the time electronically~~
34 **recorded by the hard copy is printed out and the election division**
35 **records the date and time of the printout on the hard copy. division's**
36 **computer system.** If a discrepancy exists between the text of the
37 electronic submission and the printed report, the text of the printed
38 report prevails until an amendment is filed under this article to correct
39 the discrepancy.

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

EH 1101—LS 6448/DI 75+



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1 may accept an electronic submission from candidates, committees, or
 2 persons described in subsection (b)(3).

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

6 SECTION 14. IC 3-9-5-7, AS AMENDED BY P.L.176-1999,
 7 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2002]: Sec. 7. (a) A person may deliver reports to the
 9 appropriate office as follows:

10 (1) By hand.

11 (2) By mail.

12 (3) By electronic mail, if the appropriate office has the capacity
 13 to **do all of the following:**

14 (A) Receive electronic mail. ~~and~~

15 (B) **Electronically record the date and time that electronic
 16 mail is received by the office.**

17 (C) Print out a hard copy of the report ~~immediately upon~~ **after**
 18 the receipt of the electronic mail by the office.

19 (b) Reports must be filed as follows:

20 (1) Hand delivered reports or reports transmitted by mail must be
 21 filed with the appropriate office during regular office hours not
 22 later than noon seven (7) days after the date of the report.

23 (2) Reports delivered by electronic mail must be filed with the
 24 appropriate office not later than noon seven (7) days after the date
 25 of the report.

26 (c) This subsection applies to a report delivered by electronic mail.
 27 Filing of a report occurs under IC 3-5-2-24.5 ~~when the hard copy is
 28 printed out and the office records the date and time of the printout on
 29 the report: on the date and at the time electronically recorded by the
 30 office's computer system.~~ If a discrepancy exists between the text of
 31 the electronic mail and the printed report, the text of the printed report
 32 prevails until an amendment is filed under this article to correct the
 33 discrepancy.

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

40 SECTION 15. IC 3-10-6-2.7 IS ADDED TO THE INDIANA CODE
 41 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 2002]: **Sec. 2.7. (a) This section applies to a town having a**

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1 population of more than six thousand three hundred (6,300) but
 2 less than ten thousand (10,000) located in a county having a
 3 population of more than one hundred thousand (100,000) but less
 4 than one hundred five thousand (105,000).

5 (b) A town that has established staggered terms for its town
 6 council may adopt an ordinance during the year preceding a
 7 municipal election conducted under section 2 of this chapter
 8 changing:

9 (1) the length of term of office for town legislative body
 10 members and the clerk-treasurer elected at a municipal
 11 election not conducted in a general election year; and

12 (2) the time municipal elections are held.

13 (c) The ordinance described in subsection (b) must provide all
 14 the following:

15 (1) The town legislative body members and the
 16 clerk-treasurer elected at the next municipal election not
 17 conducted in a general election year serve a term not to
 18 exceed four (4) years.

19 (2) The successors of the town legislative body members and
 20 the clerk-treasurer described in subdivision (1) shall be
 21 chosen at a general election specified in the ordinance and
 22 serve a term of four (4) years.

23 (3) The municipal elections for town offices shall be held
 24 during a general election.

25 SECTION 16. IC 3-11-2-5 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. The nominees of a
 27 political party or group of petitioners shall be listed on the ballots **in**
 28 **type with uniform capital letters and with uniform space between**
 29 **each name** under the name and device of the party or petitioners as
 30 designated by them in their certificate or petition, or if none is
 31 designated, then under some suitable name and device. If the same
 32 device for designating candidates is selected by two (2) parties or
 33 groups of petitioners, it shall be given to the one (1) that first selected
 34 it, and a suitable device shall be selected for the other party or group of
 35 petitioners.

36 SECTION 17. IC 3-11-2-17 IS ADDED TO THE INDIANA CODE
 37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 38 1, 2002]: Sec. 17. (a) **If a member of the county election board has**
 39 **verifiable information that an election ballot for the member's**
 40 **county does not comply with the requirements of this chapter or is**
 41 **not in the form required by law, the member may file a petition**
 42 **with the commission protesting the ballot form not later than five**

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(5) days after the member receives the information concerning the election ballot.

(b) The petition must specify the manner in which the election ballot does not comply with the requirements of this chapter or is not in the form required by law, including a reference by citation to the specific statutory requirement involved.

(c) The county election board member who files a petition under subsection (a) shall serve a copy of the petition upon the other members of the county election board and the circuit court clerk, if the clerk is not a member of the county election board, at the time the petition is filed with the commission.

(d) Upon receipt of a petition filed under subsection (a), the commission shall make an investigation in accordance with IC 3-6-4.1-21(b).

(e) If the commission determines there is reason to believe that the election ballot does not comply with the requirements of this chapter or is not in the form required by law, the commission shall hold a hearing under IC 3-6-4.1-25.

(f) If, after the hearing, the commission determines that the ballot fails to comply with one (1) or more of the requirements of this chapter or is otherwise not in the form required by law, the commission shall take the action it considers appropriate under IC 3-6-4.1-21(c).

SECTION 18. IC 3-11-8-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.3. If a precinct contains less than two hundred fifty (250) active voters, (a) The county executive may locate the polls for the a precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct, if all the following apply:

(1) The county election board has adopted a general resolution stating the number of active voters in a precinct that the county election board will use when determining whether to apply this section to a precinct.

(2) The precinct has fewer active voters than the number stated in the resolution described in subdivision (1).

(3) The county election board, by unanimous vote of the board's entire membership, adopts a resolution to locate the polls of the precinct at the adjacent precinct.

(b) A resolution adopted by a county election board under subsection (a)(3) expires the day after the election to which the resolution applies.

SECTION 19. IC 3-11-10-27 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 27. (a) This section
2 does not apply to a ballot mailed to a voter under this chapter.

3 (b) Before a ballot is voted under section 25 or 26 of this chapter
4 before an absentee voter board, ~~other than the absentee voter board in~~
5 ~~the office of the circuit court clerk~~, it must bear the circuit court clerk's
6 official seal and signature or facsimile signature and be initialed by:

7 (1) the absentee voter board visiting the voter under section 25(b)
8 of this chapter (except in a county subject to subsection (c)); or

9 (2) the county election board or the board's designated
10 representatives under IC 3-11-4-19 if the ballot is cast at the
11 office of the circuit court clerk under section 26 of this chapter.

12 (c) A county election board may adopt a resolution providing that
13 the absentee ballots to be voted before an absentee voter board visiting
14 the voter under section 25(b) of this chapter must be initialed by the
15 county election board or the board's representatives under IC 3-11-4-19
16 and not by the absentee voter board visiting the voter. A resolution
17 adopted under this subsection remains in effect until rescinded by the
18 county election board. The election board may not rescind the
19 resolution during the final sixty (60) days before an election.

20 (d) The initials must be in ink on the back of the ballot, in the
21 person's ordinary handwriting or printing, and without a distinguishing
22 mark of any kind. No other initialing of the absentee ballot is
23 necessary.

24 SECTION 20. IC 3-11-15-13 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) Except as
26 provided in this chapter, to be approved for use in Indiana, a voting
27 system shall meet the standards established by the Performance and
28 Test Standards for Punchcard, Marksense, and Direct Recording
29 Electronic Voting Systems issued by the Federal Election Commission
30 on January 25, 1990.

31 **(b) The commission may adopt rules under IC 4-22-2 to require**
32 **a voting system to meet standards more recent than standards**
33 **described in subsection (a). If the commission adopts rules under**
34 **this subsection, a voting system must meet the standards described**
35 **in the rules instead of the standards described in subsection (a).**

36 SECTION 21. IC 3-13-1-7, AS AMENDED BY P.L.260-2001,
37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2002]: Sec. 7. (a) Except as provided in subsection (b), action
39 to fill a candidate vacancy must be taken:

40 (1) not later than noon ~~June 30~~ **July 15** after the primary election
41 if the vacancy exists on a general or municipal election ballot; and

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

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1 the vacancy exists on a special election ballot, subject to section
2 2 of this chapter.

3 (b) This subsection applies to a candidate vacancy that exists before
4 the thirtieth day before a general, municipal, or special election and
5 that is due to any of the following:

- 6 (1) The death of a candidate.
7 (2) The withdrawal of a candidate.
8 (3) The disqualification of a candidate under IC 3-8-1-5.
9 (4) A court order issued under IC 3-8-7-29(d).

10 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this
11 chapter for reasons permitted under this subsection must be taken
12 within thirty (30) days after the occurrence of the vacancy.

13 SECTION 22. IC 3-13-1-15, AS AMENDED BY P.L.260-2001,
14 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2002]: Sec. 15. (a) A county chairman filling a candidate
16 vacancy under section 6(a)(2) of this chapter or the chairman of a
17 meeting filling a candidate vacancy under this chapter shall file a
18 written certificate of candidate selection on a form prescribed by the
19 commission stating the following information for each candidate
20 selected:

- 21 (1) The name of each candidate as:
22 (A) the candidate wants the candidate's name to appear on the
23 ballot; and
24 (B) the candidate's name is permitted to appear on the ballot
25 under IC 3-5-7.

26 (2) The address of each candidate.

27 (b) The certificate shall be filed with:

- 28 (1) the election division for:
29 (A) a committee acting under section 3, 4, 5, or 6(b) of this
30 chapter; or
31 (B) a committee acting under section 6(a) of this chapter to fill
32 a candidate vacancy in the office of judge of a circuit, superior,
33 probate, county, or small claims court or prosecuting attorney;
34 or

35 (2) the circuit court clerk, for a committee acting under section
36 6(a) of this chapter to fill a candidate vacancy for a local office
37 not described in subdivision (1).

38 (c) This subsection applies to a candidate vacancy resulting from a
39 vacancy on the primary election ballot as described in section 2 of this
40 chapter. The certificate required by subsection (a) shall be filed not
41 later than noon July 3rd 15 before election day.

42 (d) This subsection applies to all candidate vacancies not described

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1 by subsection (c). The certificate required by subsection (a) shall be
 2 filed not more than three (3) days (excluding Saturdays and Sundays)
 3 after selection of the candidates.

4 SECTION 23. IC 3-13-1-20, AS AMENDED BY P.L.260-2001,
 5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2002]: Sec. 20. (a) This section applies to a political party
 7 subject to IC 3-8-4-10.

8 (b) A candidate vacancy that exists following the convention of the
 9 party shall be filled by the state committee of the political party not
 10 later than noon ~~June 30~~ **July 15** before election day. The chairman of
 11 the state committee shall act in accordance with section 15 of this
 12 chapter to certify the candidate selected to fill the vacancy.

13 (c) This subsection applies to a candidate vacancy resulting from a
 14 vacancy on the general election ballot resulting from the failure of the
 15 convention to nominate a candidate for an office. The certificate
 16 required by subsection (b) shall be filed not later than noon July ~~3~~ **15**
 17 before election day.

18 (d) This subsection applies to all candidate vacancies not described
 19 by subsection (c). The certificate required by subsection (b) shall be
 20 filed not more than three (3) days (excluding Saturdays and Sundays)
 21 after selection of the candidates.

22 SECTION 24. IC 6-1.1-18.5-13.6 IS ADDED TO THE INDIANA
 23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE UPON PASSAGE]: **Sec. 13.6. For an appeal filed**
 25 **under section 12 of this chapter, the local government tax control**
 26 **board may recommend that the department of local government**
 27 **finance give permission to a county to increase its levy in excess of**
 28 **the limitations established under section 3 of this chapter if the**
 29 **local government tax control board finds that the county needs the**
 30 **increase to pay for:**

31 **(1) a new voting system; or**

32 **(2) the expansion or upgrade of an existing voting system;**
 33 **under IC 3-11-6.**

34 SECTION 25. IC 6-1.1-18.5-15 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The ~~state board~~
 36 ~~of tax commissioners, department of local government finance,~~ upon
 37 receiving a recommendation made under section 13, **13.5, 13.6,** or 14
 38 of this chapter, shall enter an order adopting, rejecting, or adopting in
 39 part and rejecting in part the recommendation of the local government
 40 tax control board. The decision of the ~~state board of tax commissioners~~
 41 **department of local government finance** is final.

42 SECTION 26. IC 36-1-8-10, AS AMENDED BY P.L.167-2001,

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1 SECTION 10, AND AS AMENDED BY P.L.199-2001, SECTION 28,
2 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) As used in this section,
4 "board" means *an* administration, *an* agency, *an* authority, *a* board, *a*
5 bureau, *a* commission, *a* committee, *a* council, *a* department, *a*
6 division, *an* institution, *an* office, *a* service, or ~~other~~ *another* similarly
7 designated body of a political subdivision.

8 (b) Whenever a law or political subdivision's resolution requires that
9 an appointment to a board be conditioned upon the political affiliation
10 of the appointee, or that the membership of a board not exceed a stated
11 number of members from the same political party, at the time of an
12 appointment, ~~either one~~ **(1)** of the following must apply to the
13 appointee:

14 (1) The most recent primary election in which the appointee voted
15 was a primary election held by the party with which the appointee
16 claims affiliation. ~~or~~

17 **(2) If the appointee has never voted in a primary election, the**
18 **appointee claims a party affiliation.**

19 **(3)** The appointee is certified as a member of that party by the
20 party's county chairman for the county in which the appointee
21 resides.

22 (c) Notwithstanding any other law, if the term of an appointed
23 member of a board expires and the appointing authority does not make
24 an appointment to fill the vacancy, the member may continue to serve
25 on the board for only sixty (60) days after the expiration date of the
26 member's term.

27 SECTION 27. IC 3-7-12-3 IS REPEALED [EFFECTIVE UPON
28 PASSAGE].

29 SECTION 28. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1101, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-48.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 48.5. "Testing authority" means an independent test authority as described in:

(1) Appendix L of the Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems issued by the Federal Election Commission in January 1990; or

(2) other more recent voting systems standards adopted by the commission under IC 3-11-15-13.

SECTION 3. IC 3-5-2-50.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 50.4. "Voter's bill of rights" refers to the statement prescribed by the commission under IC 3-5-8.

SECTION 4. IC 3-5-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]:

Chapter 8. The Voter's Bill of Rights

Sec. 1. The commission shall prescribe a statement of the rights of a voter in Indiana that shall be known as "the voter's bill of rights".

Sec. 2. The statement required by section 1 of this chapter must contain the following:

(1) A statement of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration.

(2) A statement describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote.

(3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in the election.

(4) A statement describing how a voter who is challenged at the polls may be permitted to vote.

(5) A statement informing the voter what assistance is available to assist the voter at the polls.

(6) A statement informing the voter what circumstances will

EH 1101—LS 6448/DI 75+



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spoil the voter's ballot and the procedures available for the voter to request a new ballot.

(7) A statement describing which voters will be permitted to vote at the closing of the polls.

(8) Other information that the commission considers important for a voter to know.

Sec. 3. The commission may require a copy of the voter's bill of rights to be distributed with voter registration materials or other materials that are given to voters.

Sec. 4. The secretary of state or other state agency posting election information on the state's Internet site shall include the voter's bill of rights on the site.

Sec. 5. Not later than thirty (30) days before a primary, general, or municipal election, the secretary of state shall request Indiana news media to include a copy of the voter's bill of rights as part of election coverage or in public service announcements."

Page 8, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 13. IC 3-11-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) Except as provided in this chapter, to be approved for use in Indiana, a voting system shall meet the standards established by the Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems issued by the Federal Election Commission on January 25, 1990.

(b) The commission may adopt rules under IC 4-22-2 to require a voting system to meet standards more recent than standards described in subsection (a). If the commission adopts rules under this subsection, a voting system must meet the standards described in the rules instead of the standards described in subsection (a)."

Page 9, line 27, strike "3" and insert "15".

Page 9, delete lines 33 through 42.

Page 10, delete lines 1 through 7.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1101 as introduced.)

KROMKOWSKI, Chair

Committee Vote: yeas 13, nays 0.

EH 1101—LS 6448/DI 75+



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COMMITTEE REPORT

Mr. President: The Senate Committee on Legislative Apportionment and Elections, to which was referred House Bill No. 1101, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 5. IC 3-6-4.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) In addition to other duties prescribed by law, the commission shall do the following:

- (1) Administer Indiana election laws.
- (2) Adopt rules under IC 4-22-2 to do the following:
 - (A) Govern the fair, legal, and orderly conduct of elections, including the following:
 - (i) Emergency rules described in section 16 of this chapter to implement a court order requiring the commission, the election division, or an election board or official to administer an election in a manner not authorized by this title.
 - (ii) Rules (including joint rules with other agencies when necessary) to implement and administer NVRA.
 - (B) Carry out IC 3-9 (campaign finance).
 - (C) Govern the establishment of precincts under IC 3-11-1.5.
 - (D) Specify procedures and fees for the processing of an application from a vendor for voting systems approval and testing.
 - (E) Prescribe formats for the storage and submission of computerized voter registration records by county and state agencies or offices.
- (3) Prescribe a uniform set of election and registration forms for use throughout Indiana, except when prescribed by this title.
- (4) Advise and exercise supervision over local election and registration officers.
- (5) Investigate and take action on petitions filed under IC 3-11-2-17.**

(b) This section does not divest a county election board of any powers and duties imposed on the board in IC 3-6-5, except that if there is a deadlock on a county election board, the county election board shall submit the question to the commission for final determination.

SECTION 6. IC 3-7-12-1, AS AMENDED BY P.L.144-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

EH 1101—LS 6448/DI 75+



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UPON PASSAGE]: Sec. 1. (a) This section does not apply to the following counties:

- (1) A county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4.
- (2) A county in which a board of registration is established ~~(A) by this chapter; or~~
(B) by a county acting under this chapter.

(b) The circuit court clerk:

- (1) is the voter registration officer of each county; and
- (2) shall supervise the registration of voters of the county.

SECTION 7. IC 3-7-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The county executive of a county not described in ~~section 2 or 3 of this chapter IC 3-6-5.2 or IC 3-6-5.4~~ may adopt an order to establish a board of registration."

Page 8, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 15. IC 3-10-6-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 2.7. (a) This section applies to a town having a population of more than six thousand three hundred (6,300) but less than ten thousand (10,000) located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000).**

(b) A town that has established staggered terms for its town council may adopt an ordinance during the year preceding a municipal election conducted under section 2 of this chapter changing:

- (1) the length of term of office for town legislative body members and the clerk-treasurer elected at a municipal election not conducted in a general election year; and**
- (2) the time municipal elections are held.**

(c) The ordinance described in subsection (b) must provide all the following:

- (1) The town legislative body members and the clerk-treasurer elected at the next municipal election not conducted in a general election year serve a term not to exceed four (4) years.**
- (2) The successors of the town legislative body members and the clerk-treasurer described in subdivision (1) shall be chosen at a general election specified in the ordinance and serve a term of four (4) years.**
- (3) The municipal elections for town offices shall be held during a general election.**



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SECTION 16. IC 3-11-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. The nominees of a political party or group of petitioners shall be listed on the ballots **in type with uniform capital letters and with uniform space between each name** under the name and device of the party or petitioners as designated by them in their certificate or petition, or if none is designated, then under some suitable name and device. If the same device for designating candidates is selected by two (2) parties or groups of petitioners, it shall be given to the one (1) that first selected it, and a suitable device shall be selected for the other party or group of petitioners.

SECTION 17. IC 3-11-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 17. (a) If a member of the county election board has verifiable information that an election ballot for the member's county does not comply with the requirements of this chapter or is not in the form required by law, the member may file a petition with the commission protesting the ballot form not later than five (5) days after the member receives the information concerning the election ballot.**

(b) The petition must specify the manner in which the election ballot does not comply with the requirements of this chapter or is not in the form required by law, including a reference by citation to the specific statutory requirement involved.

(c) The county election board member who files a petition under subsection (a) shall serve a copy of the petition upon the other members of the county election board and the circuit court clerk, if the clerk is not a member of the county election board, at the time the petition is filed with the commission.

(d) Upon receipt of a petition filed under subsection (a), the commission shall make an investigation in accordance with IC 3-6-4.1-21(b).

(e) If the commission determines there is reason to believe that the election ballot does not comply with the requirements of this chapter or is not in the form required by law, the commission shall hold a hearing under IC 3-6-4.1-25.

(f) If, after the hearing, the commission determines that the ballot fails to comply with one (1) or more of the requirements of this chapter or is otherwise not in the form required by law, the commission shall take the action it considers appropriate under IC 3-6-4.1-21(c).

SECTION 18. IC 3-11-8-4.3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.3. If a precinct contains less than two hundred fifty (250) active voters; (a) The county executive may locate the polls for the a precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct, **if all the following apply:**

- (1) The county election board has adopted a general resolution stating the number of active voters in a precinct that the county election board will use when determining whether to apply this section to a precinct.
- (2) The precinct has fewer active voters than the number stated in the resolution described in subdivision (1).
- (3) The county election board, by unanimous vote of the board's entire membership, adopts a resolution to locate the polls of the precinct at the adjacent precinct.

(b) A resolution adopted by a county election board under subsection (a)(3) expires the day after the election to which the resolution applies."

Page 11, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 24. IC 6-1.1-18.5-13.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13.6. For an appeal filed under section 12 of this chapter, the local government tax control board may recommend that the department of local government finance give permission to a county to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that the county needs the increase to pay for:**

- (1) a new voting system; or
- (2) the expansion or upgrade of an existing voting system;

under IC 3-11-6.

SECTION 25. IC 6-1.1-18.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The ~~state board of tax commissioners;~~ **department of local government finance**, upon receiving a recommendation made under section 13, **13.5, 13.6**, or 14 of this chapter, shall enter an order adopting, rejecting, or adopting in part and rejecting in part the recommendation of the local government tax control board. The decision of the ~~state board of tax commissioners~~ **department of local government finance** is final."

Page 11, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 27. IC 3-7-12-3 IS REPEALED [EFFECTIVE UPON PASSAGE]."



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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB1101 as printed January 31, 2002.)

LANDSKE, Chairperson

Committee Vote: Yeas 10, Nays 0.

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