

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 242 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-8-3-9 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. Each circuit court
5 clerk shall, not later than noon **on the second** Monday after the day the
6 primary election is held, send to the election division by certified mail
7 or hand delivery one (1) complete copy of all returns for presidential
8 candidates. The clerk shall state the number of votes received by each
9 candidate in each congressional district within the county.
10 SECTION 2. IC 3-8-4-5 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) This section applies to each
12 political party that elects delegates to the party's state convention at a
13 primary election.
14 (b) Each circuit court clerk, not later than noon **on the second**
15 Monday after a primary election, shall furnish the election division with
16 a complete list of all delegates elected at the primary election to the
17 state convention of a political party. The list must include the address
18 of each delegate and the United States congressional district in which
19 each delegate resides.
20 SECTION 3. IC 3-8-7-5 IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Each circuit court clerk, not
22 later than noon on the **first second** Monday after a primary election
23 conducted in a year in which a general election will be held, shall
24 furnish the election division with a complete list of all:

1 (1) candidates nominated; and
 2 (2) state convention delegates elected;
 3 at the primary election.

4 (b) The list must include the address of each candidate and delegate
 5 and the United States congressional district in which each candidate
 6 and delegate resides.

7 SECTION 4. IC 3-10-1-33 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 33. (a) The county
 9 election board shall also make an additional duplicate showing the
 10 votes cast for each candidate required to file a declaration of candidacy
 11 with the election division under IC 3-8-2.

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

16 SECTION 5. IC 3-11.7-5-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) After the close
 18 of the polls, provisional ballots shall be counted as provided in this
 19 chapter.

20 (b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed
 21 under IC 1-1-9, all provisional ballots must be counted by not later than
 22 noon on the **second** Monday following the election.

23 SECTION 6. IC 3-12-4-12 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. Not later than noon
 25 **on the second** Monday after the county election board certifies the
 26 election results under section 9 of this chapter, the circuit court clerk
 27 shall furnish to the county chairman of each political party a copy of the
 28 statement.

29 SECTION 7. IC 3-12-5-1 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Whenever a
 31 candidate is elected to a local office that is commissioned by the
 32 governor under IC 4-3-1-5, the circuit court clerk shall prepare a
 33 statement under the clerk's seal specifying the number of votes received
 34 by each candidate for that office.

35 (b) The statement prepared under subsection (a) must also include
 36 the number of votes cast for and against the following:

37 (1) The ratification of a state constitutional amendment submitted
 38 to the electorate.

39 (2) The retention of a justice of the supreme court or a judge of the
 40 court of appeals or tax court.

41 (3) Each candidate who was declared elected by the county
 42 election board under IC 3-12-4-9.

43 (c) The clerk shall send or hand deliver the statement to the election
 44 division not later than noon on the **second** Monday following election
 45 day.

46 (d) The election division shall tabulate the votes received under this
 47 section. Not later than the **second third** Friday after the election, the

- 1 secretary of state shall issue a certificate certifying the following:
- 2 (1) Each state constitutional amendment ratified or rejected.
- 3 (2) Each justice or judge retained or removed.
- 4 (e) The election division shall provide a copy of a certificate
- 5 described by:
- 6 (1) subsection (d)(1) to the chief justice of the Indiana supreme
- 7 court and the director of the office of code revision of the
- 8 legislative services agency; and
- 9 (2) subsection (d)(2) to the chief justice of the state.
- 10 (f) The election division shall provide a copy of all statements
- 11 received under this section to the office.
- 12 SECTION 8. IC 3-12-5-5 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Not later than
- 14 noon on the **second** Monday following an election for governor and
- 15 lieutenant governor, each circuit court clerk shall prepare a certified
- 16 statement under the clerk's seal showing the number of votes each
- 17 candidate received. The clerk shall transmit the statement to the election
- 18 division. The election division shall deliver:
- 19 (1) the statement to the speaker of the house of representatives
- 20 before the date described in subsection (b); and
- 21 (2) a copy of each statement to the office.
- 22 (b) The house of representatives and the senate shall meet in joint
- 23 convention not later than the date specified in Article 5, Section 9 of the
- 24 Constitution of the State of Indiana for the commencement of the term
- 25 of the governor and the lieutenant governor to hear the canvass of votes
- 26 cast for governor and lieutenant governor.
- 27 (c) The joint convention shall act to resolve any:
- 28 (1) tie vote, as required under Article 5, Section 5 of the
- 29 Constitution of the State of Indiana; or
- 30 (2) contest under Article 5, Section 6 of the Constitution of the
- 31 State of Indiana.
- 32 (d) The joint rules that governed the house of representatives and
- 33 senate before the general election govern the joint convention until
- 34 those rules are amended as provided in those rules.
- 35 (e) After resolving any tie or contest, the presiding officer of the
- 36 joint convention shall certify to the convention that the individuals
- 37 receiving the most votes according to the canvass have been elected
- 38 governor and lieutenant governor.
- 39 SECTION 9. IC 3-12-5-6 IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Not later than
- 41 noon on the **second** Monday following an election, each circuit court
- 42 clerk shall prepare a certified statement under the clerk's seal of the
- 43 number of votes received by each candidate for:
- 44 (1) federal office;
- 45 (2) state office;
- 46 (3) legislative office; and
- 47 (4) a local office for which a declaration of candidacy must be

1 filed with the election division under IC 3-8-2.

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

5 (c) The election division shall provide a copy of each statement to
6 the office.

7 SECTION 10. IC 3-12-5-11 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) As soon as
9 practical, but no later than noon on the **second** Monday following an
10 election for a legislative office, each circuit court clerk shall:

11 (1) prepare a certified statement under the clerk's seal specifying
12 the number of votes received in the county by each candidate for
13 legislative office; and

14 (2) send the statement by certified mail, return receipt requested,
15 or hand deliver the statement to the election division.

16 (b) The election division shall provide a copy of each statement to
17 the office.

18 SECTION 11. IC 3-12-6-2 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A candidate who
20 desires a recount of votes must file a verified petition no later than noon
21 ~~seven (7)~~ **fourteen (14)** days after election day.

22 (b) A county chairman who is entitled to and desires a recount of
23 votes must file a verified petition not later than noon ~~ten (10)~~ **seventeen**
24 **(17)** days after election day.

25 (c) The petition must be filed in the circuit or superior court of each
26 county in which is located a precinct in which the individual desires a
27 recount.

28 SECTION 12. IC 3-12-8-5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A candidate who
30 desires to contest an election or a nomination under this chapter must
31 file a verified petition with the circuit court clerk of the county that
32 contains the greatest percentage of the population of the election district
33 no later than noon ~~seven (7)~~ **fourteen (14)** days after election day.

34 (b) A county chairman who is entitled to and desires to contest an
35 election or a nomination under this chapter must file a verified petition
36 with the circuit court clerk of the county that contains the greatest
37 percentage of the population of the election district not later than noon
38 ~~ten (10)~~ **seventeen (17)** days after election day.

39 (c) A petition for a contest of an election in different municipalities,
40 whether in the same court of the county or not, may not be
41 consolidated.

42 SECTION 13. IC 3-12-11-2 IS AMENDED TO READ AS
43 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A candidate who
44 desires:

45 (1) a recount of votes cast for a nomination or election subject to
46 this chapter; or

47 (2) to contest a nomination subject to this chapter or the election

1 of a state office other than governor or lieutenant governor;
2 must file a verified petition with the election division not later than
3 noon ~~seven (7)~~ **fourteen (14)** days after election day.

4 (b) A state or county chairman who is entitled to and desires to file
5 a petition for a recount or contest under this chapter must file a verified
6 petition with the election division not later than noon ~~ten (10)~~
7 **seventeen (17)** days after election day."

8 Re-number all SECTIONS consecutively.
 (Reference is to ESB 242 as printed March 22, 2005.)

Representative Stilwell