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# SENATE BILL No. 215

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-4; IC 3-6; IC 3-7; IC 3-8; IC 3-9-1-12; IC 3-10; IC 3-11; IC 3-13; IC 6-1.1-29-2; IC 9-24-2.5; IC 36-2-9-9.

**Synopsis:** Various election law matters. Makes the following changes to the election law: (1) Restates county reimbursement procedures for attending the annual election administrators' conference. (2) Specifies the contents of statewide voter registration system reports. (3) Specifies certain procedures in connection with voter list maintenance, and updates procedures for address changes of voter registration records in the statewide voter registration system. (4) Permits a county voter registration office to return to a candidate for President of the United States, United States Senator, or governor, after the petition is certified, an original petition that accompanies a declaration of candidacy. (5) Changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates. (6) Permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee, and specifies that the chairman or treasurer of the committee remains liable for any committee debts. (7) Requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest. (8) Allows an overseas voter to transmit an absentee ballot application by electronic mail. (9) Revises precinct boundary change procedures. (10) Provides that the voting system technical oversight program account is nonreverting and that money in the account is continuously appropriated for voting system statute enforcement. (11) Provides that voters who reside within the area of a municipality located in a vote center pilot county may vote using vote center pilot county procedures. (12) Amends provisions concerning candidate ballot vacancy  
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**Effective:** Upon passage; January 1, 2008 (retroactive); July 1, 2008.

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January 8, 2008, read first time and referred to Committee on Local Government and Elections.



Digest Continued

procedures. (13) Establishes a procedure for candidate withdrawals, challenges, and write-ins for certain elected members of a county board of tax and capital projects review. (14) Repeals obsolete references concerning voting instructions, paper ballots, and special polling places.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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**SENATE BILL No. 215**



A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

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

1 SECTION 1. IC 3-5-4-1.9, AS ADDED BY P.L.164-2006,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 1.9. **(a) This section does not apply to a  
4 delinquent campaign finance filing received under IC 3-9.**

5 **(b) This section does not apply to an application for voter  
6 registration received while registration is closed under IC 3-7.**

7 **(c)** Except as otherwise provided in this title, the election division,  
8 an election board, a circuit court clerk, a county voter registration  
9 office, or any other official responsible for receiving a filing under this  
10 title may not receive a filing that is offered to be filed after a deadline  
11 for the filing provided by this title.

12 SECTION 2. IC 3-5-4-7, AS AMENDED BY P.L.230-2005,  
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: Sec. 7. Except as otherwise provided in this title,  
15 a reference to a federal statute or regulation in this title is a reference



1 to the statute or regulation as in effect January 1, ~~2005~~. **2008.**

2 SECTION 3. IC 3-6-3-6 IS AMENDED TO READ AS FOLLOWS

3 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) After the state chairman

4 of a political party files a statement with the election division certifying

5 that the party's name has been changed in accordance with all

6 applicable party rules, a political party shall be known by the political

7 party's new name, and the party has all the rights it had under its former

8 name.

9 (b) If the state chairman of a political party files a statement under

10 subsection (a) after the printing of ballots for use at an election

11 conducted under this title has begun, ~~the election division or the~~

12 election board responsible for printing the ballots is not required to

13 alter the ballots to state the new name of the political party.

14 SECTION 4. IC 3-6-4.2-14 IS AMENDED TO READ AS

15 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) Each year in

16 which a general or municipal election is held, the election division

17 shall call a meeting of all the members of the county election boards

18 and the boards of registration to instruct them as to their duties under

19 this title and federal law (including HAVA and NVRA). The election

20 division may, but is not required to, call a meeting under this section

21 during a year in which a general or a municipal election is not held.

22 (b) Each circuit court clerk shall attend a meeting called by the

23 election division under this section.

24 (c) The codirectors of the election division shall set the time and

25 place of the instructional meeting. In years in which a primary election

26 is held, the election division:

27 (1) may conduct the meeting before the first day of the year; and

28 (2) shall conduct the meeting before primary election day.

29 The instructional meeting may not last for more than two (2) days.

30 (d) Each member of a county election board or board of registration

31 and an individual who has been elected or selected to serve as circuit

32 court clerk but has not yet begun serving in that office is entitled to

33 receive all of the following **from the county general fund without**

34 **appropriation:**

35 (1) A per diem of twenty-four dollars (\$24) for attending the

36 instructional meeting called by the election division under this

37 section.

38 (2) A mileage allowance at the state rate for the distance

39 necessarily traveled in going and returning from the place of the

40 instructional meeting called by the election division under this

41 section.

42 (3) Reimbursement for the payment of the instructional meeting

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1 registration fee. from the county general fund without  
2 appropriation.

3 (4) An allowance for lodging for each night preceding conference  
4 attendance equal to the lodging allowance provided to state  
5 employees in travel status.

6 SECTION 5. IC 3-6-6-39, AS AMENDED BY P.L.230-2005,  
7 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: Sec. 39. (a) The county election board by  
9 unanimous vote of the entire membership of the board may permit an  
10 individual who is not a voter to serve as any precinct election officer  
11 (other than inspector), or to assist a precinct election officer, if the  
12 individual satisfies all the following:

13 (1) The individual is at least sixteen (16) years of age but not  
14 more than ~~seventeen (17)~~ **eighteen (18)** years of age **or older**.

15 (2) The individual is a citizen of the United States.

16 (3) The individual is a resident of the county.

17 (4) The individual has a cumulative grade point average  
18 equivalent to not less than 3.0 on a 4.0 scale.

19 (5) The individual has the written approval of the principal of the  
20 school the individual attends at the time of the appointment or, if  
21 the student is educated in the home, the approval of the individual  
22 responsible for the education of the student.

23 (6) The individual has the approval of the individual's parent or  
24 legal guardian.

25 (7) The individual has satisfactorily completed any training  
26 required by the county election board.

27 (8) The individual otherwise is eligible to serve as a precinct  
28 election officer under this chapter.

29 (b) An individual appointed to a precinct election office or assistant  
30 under this section:

31 (1) must serve in a nonpartisan manner in accordance with the  
32 standards developed by the Help America Vote Foundation under  
33 36 U.S.C. 152602; and

34 (2) while serving as a precinct election officer or assistant:

35 (A) is not required to obtain an employment certificate under  
36 IC 20-33-3; and

37 (B) is not subject to the limitations on time and duration of  
38 employment under IC 20-33-3.

39 SECTION 6. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005,  
40 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 UPON PASSAGE]: Sec. 4. (a) The election division may provide parts  
42 and reports from the voter registration information from the

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1 computerized list for the purposes specified under IC 3-7-26.3-29.  
2 However;

3 (b) Except as otherwise provided in this section, the parts and  
4 reports provided under this section may not include information  
5 described under section 8 of this chapter.

6 (c) The parts and reports may contain the information described  
7 in section 8 of this chapter if:

- 8 (1) the part or report is to be provided to an entity that:
  - 9 (A) is described in section 6 of this chapter; and
  - 10 (B) has previously submitted an application to the election  
11 division and paid any required fee to obtain the complete  
12 compilation; or
- 13 (2) the part or report is a purely statistical compilation that:
  - 14 (A) includes the information described in section 8 of this  
15 chapter; and
  - 16 (B) does not include any information:
    - 17 (i) concerning an individual voter; or
    - 18 (ii) that would permit the identification of an individual  
19 voter as a result of providing the compilation.

20 (d) The parts and reports provided under this section may not  
21 include the complete Social Security number of any individual.

22 SECTION 7. IC 3-7-27-6 IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As required under 42  
24 U.S.C. 1973gg-6(i), a county voter registration office shall retain  
25 records concerning the implementation of programs and activities  
26 conducted for the purpose of ensuring the accuracy and currency of the  
27 voter registration list. These records include the following:

- 28 (1) Lists of names and addresses of voters who were sent notices  
29 under the voter list maintenance program.
- 30 (2) Information concerning whether a voter has responded to a  
31 notice described by subdivision (1) as of the date the inspection  
32 of the record is made.

33 (b) The county voter registration office shall retain the records  
34 described by this section for at least two (2) years. Except for records  
35 concerning declinations to register to vote or that indicate the identity  
36 of a voter registration agency where a person registered, the county  
37 voter registration office shall make the records available for public  
38 inspection and photocopying at a reasonable cost as provided in  
39 IC 5-14-3.

40 (c) In accordance with ~~IC 5-14-3-3(g)~~ IC 5-14-3-3(h) and  
41 notwithstanding any other statute, a county voter registration office  
42 shall, with regard to voter registration information concerning voters

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1 of the county on a computerized system, act in accordance with a  
2 nondiscriminatory uniform policy adopted by the county election  
3 board. The policy must either permit a person to duplicate or obtain a  
4 duplicate copy of a computer tape, computer disc, microfilm, or other  
5 similar record system that contains this voter registration information  
6 or not permit the person to duplicate or obtain a duplicate copy of the  
7 information.

8 (d) A person who requests computerized voter registration  
9 information under subsection (c) must provide a written statement that  
10 the person will not:

11 (1) use the information to solicit merchandise, goods, services, or  
12 subscriptions; or

13 (2) sell, loan, give away, or otherwise deliver the information  
14 obtained by the request to any other person;

15 for a purpose other than political activities or political fundraising  
16 activities.

17 (e) Publication of information obtained under subsection (d) in a  
18 news broadcast or newspaper is not prohibited.

19 SECTION 8. IC 3-7-28-12 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than~~  
21 ~~thirty (30) days after receipt of the reports of deceased individuals~~  
22 ~~required under this article;~~ (a) Each circuit court clerk or board of  
23 **county voter registration office** shall send a list of the deceased  
24 persons whose registrations have been canceled to the following upon  
25 request:

26 (1) The county chairman of each major political party of the  
27 county.

28 (2) The chairman of the following:

29 (A) A bona fide political party of the county.

30 (B) An independent candidate's committee, if the candidate is  
31 on the ballot for the next election to be conducted in the  
32 county.

33 **(b) A request filed under this section may state that the list is to**  
34 **include only cancellations made by the county voter registration**  
35 **office within a period specified in the request.**

36 SECTION 9. IC 3-7-28-13 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. ~~Not later than~~  
38 ~~thirty (30) days after preparation of a list of disfranchised voters under~~  
39 ~~this article;~~ the circuit court clerk or board of (a) **Each county voter**  
40 **registration office** shall send a **notice list of disfranchised voters**  
41 **whose registrations have been canceled** to the following upon  
42 request:

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- 1 (1) The county chairmen of the major political parties of the
- 2 county.
- 3 (2) The chairman of the following:
- 4 (A) A bona fide political party of the county.
- 5 (B) An independent candidate's committee, if the candidate is
- 6 on the ballot for the next general election to be conducted in
- 7 the county.

8 **(b) A request filed under this section may state that the list is to**  
 9 **include only cancellations made by the county voter registration**  
 10 **office within a period specified in the request.**

11 SECTION 10. IC 3-7-28-14 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~The circuit~~  
 13 ~~court clerk or board of~~ **(a) Each county voter registration office** shall  
 14 provide a list of the names and addresses of all voters whose  
 15 registrations have been canceled under this article ~~not later than sixty~~  
 16 ~~(60) days before election day~~ to the following upon request:

- 17 (1) The county chairmen of the major political parties of the
- 18 county.
- 19 (2) The chairman of the following:
- 20 (A) A bona fide political party of the county.
- 21 (B) An independent candidate's committee participating in a
- 22 primary, general, or municipal election.

23 ~~After that date, upon request the clerk or board shall report~~  
 24 ~~cancellations daily and within forty-eight (48) hours after the day on~~  
 25 ~~which the cancellations were made, until election day.~~

26 **(b) A request filed under this section may state that the list is to**  
 27 **include only cancellations made by the county voter registration**  
 28 **office within a period specified in the request.**

29 SECTION 11. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006,  
 30 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 UPON PASSAGE]: Sec. 4.5. (a) Except as provided in subsection (b),  
 32 this section applies to an individual who:

- 33 (1) submits an application to register to vote by mail under
- 34 IC 3-7-22; and
- 35 (2) has not previously voted in:
  - 36 (A) a general election in Indiana (or a special election for
  - 37 federal office in Indiana); or
  - 38 (B) a general election (or a special election for federal office)
  - 39 in the county where the individual has submitted an
  - 40 application under this chapter if a ~~statewide voter registration~~
  - 41 ~~system is not operational in accordance with the requirements~~
  - 42 ~~of IC 3-7-26.3 and 42 U.S.C. 15483 on the date~~ the application

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- 1           **is was** received by the county voter registration office **after**  
 2           **December 31, 2002, and before January 1, 2006.**
- 3           (b) This section does not apply to an individual who complies with  
 4 the requirements in any of the following:
- 5           (1) The individual submits an application to register to vote by  
 6 mail under this chapter and includes with that mailing a copy of:
- 7               (A) a current and valid photo identification; or  
 8               (B) a current utility bill, bank statement, government check,  
 9               paycheck, or government document;  
 10           that shows the name and residence address of the voter stated on  
 11 the voter registration application.
- 12           (2) The individual submits an application to register to vote by  
 13 mail under this chapter that includes:
- 14               (A) the individual's Indiana driver's license number; or  
 15               (B) the last four (4) digits of the individual's Social Security  
 16               number;  
 17           and the county voter registration office or election division  
 18 matches the information submitted by the applicant with an  
 19 existing Indiana identification record bearing the same number,  
 20 name, and date of birth set forth in the voter registration  
 21 application.
- 22           (3) The individual is an absent uniformed services voter or  
 23 overseas voter.
- 24           (4) The individual is entitled to vote other than in person under  
 25 the federal Voting Accessibility for the Elderly and Handicapped  
 26 Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by  
 27 the election division that a permanent or temporarily accessible  
 28 polling place cannot be provided for the individual.
- 29           (5) The individual is entitled to vote other than in person under  
 30 any other federal law.
- 31           (c) When a county voter registration office receives a voter  
 32 registration application by mail, the office shall determine whether the  
 33 applicant is subject to the requirements to provide additional  
 34 documentation under this section and 42 U.S.C. 15483.
- 35           (d) As required by 42 U.S.C. 15483, a county voter registration  
 36 office shall administer the requirements of this section in a uniform and  
 37 nondiscriminatory manner.
- 38           (e) If the county voter registration office determines that the  
 39 applicant:
- 40               (1) is not required to submit additional documentation under this  
 41               section; or  
 42               (2) has provided the documentation required under this section;

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1 the county voter registration office shall process the application in  
2 accordance with section 5 of this chapter.

3 (f) If the county voter registration office determines that the  
4 applicant is required to submit additional documentation under this  
5 section and 42 U.S.C. 15483, the office shall process the application  
6 under section 5 of this chapter and, if the applicant is otherwise eligible  
7 to vote, add the information concerning this documentation to the  
8 voter's computerized registration entry under IC 3-7-27-20.2.

9 (g) The county voter registration office shall remove the notation  
10 described in subsection (f) after the voter votes in an election for a  
11 federal office.

12 SECTION 12. IC 3-7-34-7, AS AMENDED BY P.L.81-2005,  
13 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: Sec. 7. (a) The county voter registration office  
15 shall certify to the NVRA official on an expedited basis a list of the  
16 registration forms that have been processed under section 6 of this  
17 chapter but do not contain information required to be supplied by the  
18 bureau of motor vehicles commission or a voter registration agency.

19 (b) The NVRA official shall notify the commission or agency that  
20 the commission or agency is required to supply the omitted information  
21 on an expedited basis to the county voter registration office. ~~following~~  
22 ~~receipt of notice from the NVRA official.~~

23 SECTION 13. IC 3-7-36-10 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a) The circuit~~  
25 ~~court clerk or board of county voter registration office~~ shall process an  
26 absentee registration affidavit or form received from a voter described  
27 in section 1 of this chapter during the registration period or during the  
28 period beginning on the twenty-ninth day before the election and  
29 ending on the date that the clerk or board prepares the certified list  
30 under IC 3-7-29-1.

31 **(b) A properly completed voter registration application**  
32 **described in this section is subject to the same requirements that**  
33 **are applicable to a properly completed voter registration**  
34 **application from a voter described in section 1 of this chapter**  
35 **during the period ending on the twenty-ninth day before the**  
36 **election.**

37 SECTION 14. IC 3-7-40-3 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The local public  
39 officials (or plan commission under IC 36-7-4-405) responsible for:

- 40 (1) naming or renaming streets;  
41 (2) numbering or renumbering lots or structures; and  
42 (3) converting rural route addresses to numbered addresses;

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1 shall report the changes to the ~~circuit court clerk or board of county~~  
2 **voter registration office** not later than the last day of the month  
3 following the month in which the change was made.

4 SECTION 15. IC 3-7-40-6, AS AMENDED BY P.L.164-2006,  
5 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 UPON PASSAGE]: Sec. 6. When notified by the NVRA official of a  
7 conversion from rural route addresses to numbered addresses under  
8 this chapter, the county voter registration office shall, as soon as  
9 practicable, amend

10 ~~(1) the original affidavit filed by the voter to indicate the~~  
11 ~~numbered address that replaces the rural route address on the~~  
12 ~~affidavit; and~~

13 ~~(2) the entry for the voter in the computerized list under~~  
14 ~~IC 3-7-26.3.~~

15 SECTION 16. IC 3-8-2-10 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]:  
17 Sec. 10. **(a)** A petition required by section 8 of this chapter must be  
18 submitted to the ~~circuit court clerk or board of county voter~~  
19 **registration office** during the period beginning January 1 of the year in  
20 which the primary election will be held and ending at noon  
21 seventy-seven (77) days before the primary election.

22 **(b) After the certification of a petition under this section, the**  
23 **county voter registration office may, upon the request of the**  
24 **candidate named in the petition, return the original petition to the**  
25 **candidate for filing with the secretary of state under section 5 of**  
26 **this chapter.**

27 SECTION 17. IC 3-8-3-4 IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 4. **(a)** A  
29 petition required by section 2 of this chapter must be submitted to the  
30 county voter registration office during the period beginning January 1  
31 of the year in which the primary election will be held and ending at  
32 noon ten (10) days before the final date for filing a declaration of  
33 candidacy under IC 3-8-2-4 for the primary election.

34 **(b) After the certification of a petition under this section, the**  
35 **county voter registration office may, upon the request of the**  
36 **candidate named in the petition, return the original petition to the**  
37 **candidate for filing under section 5 of this chapter.**

38 SECTION 18. IC 3-8-5-14 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. ~~(a)~~ A certificate of  
40 nomination **executed under section 13 of this chapter** must be signed  
41 before a person authorized to administer oaths and certify the following  
42 information:

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- 1 (1) The name of the party, the town where the convention was
- 2 held, the date of the convention, and the date of the town election.
- 3 ~~(2) The name, residence, and office of each candidate that was~~
- 4 ~~nominated at the convention:~~
- 5 ~~(3) That each candidate for town council resides in the ward for~~
- 6 ~~which the person is a candidate:~~
- 7 ~~(4) That each candidate is a registered voter of the town and~~
- 8 ~~legally qualified to hold the office for which the person is a~~
- 9 ~~candidate:~~
- 10 ~~(5) (2) The title of the party that the candidates represent and the~~
- 11 ~~device by which the candidates may be designated on the ballots~~
- 12 ~~(a symbol to designate the party).~~
- 13 ~~(6) (3) The signature and residence address of the presiding~~
- 14 ~~officer and secretary of the convention.~~
- 15 ~~(b) The certificate of nomination must be filed with the circuit court~~
- 16 ~~clerk of the county where the convention was held:~~
- 17 SECTION 19. IC 3-8-6-12 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) A petition of
- 19 nomination for an office filed under section 10 of this chapter must be
- 20 filed with and, except as provided in subsection (d), certified by the
- 21 person with whom a declaration of candidacy must be filed under
- 22 IC 3-8-2.
- 23 (b) The petition of nomination must be accompanied by the
- 24 following:
- 25 (1) The candidate's written consent to become a candidate.
- 26 (2) A statement that the candidate:
- 27 (A) is aware of the provisions of IC 3-9 regarding campaign
- 28 finance and the reporting of campaign contributions and
- 29 expenditures; and
- 30 (B) agrees to comply with the provisions of IC 3-9.
- 31 The candidate must separately sign the statement required by this
- 32 subdivision.
- 33 (3) If the candidate is subject to IC 3-9-1-5, a statement by the
- 34 candidate that the candidate has filed a campaign finance
- 35 statement of organization under IC 3-9-1-5 or is aware that the
- 36 candidate may be required to file a campaign finance statement of
- 37 organization not later than noon seven (7) days after the final date
- 38 for filing a petition for nomination under section 10 of this
- 39 chapter.
- 40 (4) If the candidate is subject to IC 3-9-1-5.5, a statement by the
- 41 candidate that the candidate is aware of the requirement to file a
- 42 campaign finance statement of organization under IC 3-9 after the

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

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1 (f) The commission shall provide that the form of a petition of  
2 nomination includes the following information near the separate  
3 signature required by subsection (b)(2):

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

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

18 (h) If the person with whom the petition was filed denies  
19 certification under subsection (d), the person shall notify the candidate  
20 immediately by certified mail.

21 (i) A candidate may contest the denial of certification under  
22 subsection (d) based on:

- 23 (1) the circuit court clerk's or board of registration's failure to  
24 certify, under section 8 of this chapter, qualified petitioners; or
- 25 (2) the determination described in subsection (d)(1);

26 using the procedure in IC 3-8-1-2 and section 14 of this chapter that  
27 applies to questions concerning the validity of a petition of nomination.

28 SECTION 20. IC 3-8-7-11, AS AMENDED BY P.L.230-2005,  
29 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (f),  
31 if a political party has filed a statement with the election division (or  
32 any of its predecessors) that the device selected by the political party  
33 be used to designate the candidates of the political party on the ballot  
34 for all elections throughout the state, the device must be used until:

- 35 (1) the device is changed in accordance with party rules; and
- 36 (2) a statement concerning the use of the new device is filed with  
37 the election division.

38 (b) Except as provided in subsection (c), the device may be any  
39 appropriate symbol.

40 (c) A political party or an independent candidate may not use **any**  
41 **of the following** as a device:

- 42 (1) A symbol that has previously been filed by a political party or

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1 candidate with the election division (or any of its predecessors).

2 (2) The coat of arms or seal of the state or of the United States.

3 (3) The national or state flag. ~~or~~

4 (4) Any other emblem common to the people.

5 (d) Not later than noon ~~August 20; before each general or municipal~~  
6 **election; on the date specified under IC 3-8-7-16 for the**  
7 **certification of candidates and public questions by the election**  
8 **division**, the election division shall provide each county election board  
9 with a camera-ready copy of the device under which the candidates of  
10 the political party or the petitioner are to be listed so that ballots may  
11 be prepared using the best possible reproduction of the device.

12 (e) This subsection applies to a candidate or political party whose  
13 device is not filed with the election division under subsection (a) and  
14 is to be printed only on ballots to identify candidates for election to a  
15 local office. Not later than noon ~~August 20; on the date specified~~  
16 **under IC 3-8-7-16 for the certification of candidates and public**  
17 **questions by the election division**, the chairman of the political party  
18 or the petitioner of nomination shall file a camera-ready copy of the  
19 device under which the candidates of the political party or the  
20 petitioner are to be listed with the county election board of each county  
21 in which the name of the candidate or party will be placed on the ballot.  
22 The county election board shall provide the camera-ready copy of the  
23 device to the town election board of a town located wholly or partially  
24 within the county upon request by the town election board.

25 (f) If a copy of the device is not filed in accordance with subsection  
26 (a) or (e), or unless a device is designated in accordance with section  
27 26 or 27 of this chapter, the county election board or town election  
28 board is not required to use any device to designate the list of  
29 candidates.

30 **(g) If a device is filed with the election division or an election**  
31 **board after the commencement of printing of ballots for use at an**  
32 **election conducted under this title, the election board responsible**  
33 **for printing the ballots is not required to alter the ballots to include**  
34 **the device filed under this subsection.**

35 SECTION 21. IC 3-8-7-25.5 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.5. (a) This  
37 section does not apply to the change of a candidate's name that occurs  
38 after absentee ballots have been printed bearing the candidate's name.

39 (b) A candidate who:

40 (1) is:

41 (A) nominated for election; or

42 (B) a candidate for nomination; and

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1 (2) changed the candidate's legal name after:  
 2 (A) the candidate has been nominated; or  
 3 (B) the candidate has become a candidate for nomination;  
 4 shall file a statement setting forth the former and current legal name of  
 5 the candidate with the office where a declaration of candidacy or  
 6 certificate of nomination for the office is required to be filed. If the  
 7 final date and hour has not passed for filing a declaration of candidacy,  
 8 consent for nomination, or declaration of intent to be a write-in  
 9 candidate, the candidate must file the request for a change of name on  
 10 the form prescribed by the commission for the declaration or consent.  
 11 (c) The statement filed under subsection (b) must also indicate the  
 12 following:  
 13 (1) That the candidate has previously filed a change of name  
 14 request with a county voter registration office so that the name set  
 15 forth in the statement is identical to the candidate's name on the  
 16 county voter registration record.  
 17 (2) How the candidate's legal name was changed.  
 18 (d) Upon the filing of the statement, ~~the election division and~~ each  
 19 county election board shall print the candidate's legal name on the  
 20 ballot as set forth in the statement.  
 21 SECTION 22. IC 3-9-1-12 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A  
 23 committee may disband at any time in the manner prescribed by this  
 24 section.  
 25 (b) The commission or a county election board may administratively  
 26 disband a committee in the manner prescribed by this section.  
 27 (c) The commission has exclusive jurisdiction to disband any of the  
 28 following:  
 29 (1) A candidate's committee for state office.  
 30 (2) A candidate's committee for legislative office.  
 31 (3) A legislative caucus committee.  
 32 (4) A political action committee that has filed a statement or  
 33 report with the election division.  
 34 (5) A regular party committee that has filed a statement or report  
 35 with the election division.  
 36 (d) A county election board has exclusive jurisdiction to disband  
 37 any of the following:  
 38 (1) A candidate's committee for a local office.  
 39 (2) A candidate's committee for a school board office.  
 40 (3) A political action committee that has filed a statement or  
 41 report with the election board, unless the political action  
 42 committee has also filed a report with the election division.

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- 1 (4) A regular party committee that has filed a statement or report  
 2 with the election board, unless the regular party committee has  
 3 also filed a report with the election division.  
 4 (e) The commission or a county election board may administratively  
 5 disband a committee in the following manner:  
 6 (1) Not later than the last Friday of January of each year, the  
 7 election division or county election board shall review the list of  
 8 committees that have filed statements of organization with the  
 9 division or board under this article.  
 10 (2) If the election division or county election board determines  
 11 both of the following, the election division or county election  
 12 board may begin a proceeding before the commission or board to  
 13 administratively disband the committee:  
 14 (A) The committee has not filed any report of expenditures  
 15 during the previous three (3) calendar years.  
 16 (B) The committee last reported cash on hand in an amount  
 17 that does not exceed one thousand dollars (\$1,000), if the  
 18 committee filed a report under this article.  
 19 (3) The election division or county election board shall provide  
 20 notice of the proceeding by certified mail to the last known  
 21 address of the chairman and treasurer of the committee.  
 22 (4) The commission or board may issue an order administratively  
 23 dissolving the committee ~~and waiving any outstanding civil~~  
 24 ~~penalty previously imposed by the commission or board;~~ if the  
 25 commission or board makes the following findings:  
 26 (A) There is no evidence that the committee continues to  
 27 receive contributions, make expenditures, or otherwise  
 28 function as a committee.  
 29 ~~(B) The prudent use of public resources makes further efforts~~  
 30 ~~to collect any outstanding civil penalty imposed against the~~  
 31 ~~committee wasteful or unjust.~~  
 32 ~~(C) (B) According to the best evidence available to the~~  
 33 ~~commission or board, the dissolution of the committee will not~~  
 34 ~~impair any contract or impede the collection of a debt or~~  
 35 ~~judgment by any person.~~  
 36 **(5) If the commission or board:**  
 37 **(A) administratively dissolves a committee under**  
 38 **subdivision (4); and**  
 39 **(B) finds that the prudent use of public resources makes**  
 40 **further efforts to collect any outstanding civil penalty**  
 41 **imposed against the committee to be wasteful or unjust;**  
 42 **the commission or board may also waive the outstanding civil**

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**penalty previously imposed by the commission or board against the committee.**

~~(5)~~ **(6)** The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

~~(6)~~ **(7)** An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

- (A) One (1) or more regular party committees.
- (B) One (1) or more candidate's committees.
- (C) The election division.
- (D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.
- (E) Contributors to the committee, on a pro rata basis.

(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from **any**:

- (1) civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by or on behalf of the committee; or**
- (2) criminal liability.**

SECTION 23. IC 3-10-1-31.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.**

**(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than**

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1 **sixty (60) days after the completion of the recount or contest and**  
2 **the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17,**  
3 **IC 3-12-11-18, or IC 3-12-12-19.**

4 SECTION 24. IC 3-10-3-1 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Whenever a  
6 proposed state constitutional amendment or other public question is  
7 submitted by the general assembly under Article 16 of the Constitution  
8 of the State of Indiana to the electorate of the state for a popular vote,  
9 the election division shall certify the public question to the county  
10 election board of each county.

11 (b) If the vote is to occur at a general election, the election division  
12 shall certify by noon ~~August 20 before the election~~ **on the date**  
13 **specified under IC 3-8-7-16 for the election division to certify**  
14 **candidates and other public questions for the general election**  
15 **ballot.** If a special election is to be held, the election division shall  
16 certify at least thirty (30) days before the election. Each county election  
17 board shall publish notice of the public question in accordance with  
18 IC 5-3-1.

19 SECTION 25. IC 3-11-1.5-16 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If a  
21 proposed precinct establishment order includes a legal description of  
22 a precinct with a boundary that follows the boundary of a municipality,  
23 state legislative district, or municipal legislative district, the order must  
24 include the following:

- 25 (1) A description in metes and bounds that identifies the boundary  
26 as that of a municipality, state legislative district, or municipal  
27 legislative district.
- 28 (2) A notation on the map of the precinct indicating that the  
29 boundary is that of a municipality, state legislative district, or  
30 municipal legislative district.

31 (b) If a proposed precinct establishment order described by section  
32 9 of this chapter includes a legal description of a boundary that follows  
33 a visible feature, the order must include a description in metes and  
34 bounds **or a shape file** that identifies the visible feature that forms the  
35 boundary.

36 SECTION 26. IC 3-11-3-29 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) If a new  
38 candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after  
39 the printing of ballots and before the election, the ~~election division or~~  
40 ~~the~~ election board may print ballots containing the name of the new  
41 candidate.

42 (b) If the ~~election division or the~~ election board determines that

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1 printing ballots under subsection (a) would be uneconomical or  
2 impractical, the chairman or committee that made the appointment or  
3 selection shall provide to the ~~division or the~~ election board the number  
4 of pasters the ~~division or the~~ board determines to be necessary for all  
5 ballots to reflect the appointment or selection. Pastors may not be given  
6 to or received by any person except the ~~co-directors of the election~~  
7 ~~division (or the~~ election board and the board's chairman.

8 (c) If a candidate entitled to be placed on the ballot changes the  
9 candidate's legal name after the printing of ballots and before the  
10 election, the candidate who has changed the candidate's legal name  
11 shall provide to the ~~election division or the~~ election board the number  
12 of pasters the ~~division or the~~ board determines to be necessary for all  
13 ballots to reflect the change of name. If a candidate declines to do so  
14 under this subsection, the ~~division or the~~ board is not required to  
15 reprint ballots to reflect the change of legal name.

16 SECTION 27. IC 3-11-4-4 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Applications  
18 may be made:

- 19 (1) in person;
- 20 (2) by fax transmission; or
- 21 (3) by mail; or
- 22 **(4) by electronic mail with a scanned image of the application**
- 23 **and signature of the applicant, if transmitted by an overseas**
- 24 **voter acting under section 6 of this chapter;**

25 on application forms furnished by the county election board or  
26 approved by the commission.

27 (b) Application forms shall:  
28 ~~(1) be~~ furnished to all central committees in the county no later  
29 than:

- 30 ~~(A) June 15,~~ for a general election or a special election ordered  
31 ~~under IC 3-12-8-17 or IC 3-12-11-18~~ following the primary  
32 ~~election; or~~
- 33 ~~(B) January 15,~~ for a primary election or a special election  
34 ~~ordered under IC 3-12-8-17 or IC 3-12-11-18~~ following the  
35 ~~general election;~~

- 36 ~~(2)~~ **(1)** be:
- 37 (A) mailed; or
- 38 (B) transmitted by fax; or
- 39 **(C) transmitted by electronic mail with a scanned image of**
- 40 **the application;**
- 41 upon request, to a voter applying by mail, by telephone, by
- 42 **electronic mail,** or by fax; and

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1           ~~(3)~~ **(2)** be delivered to a voter in person who applies at the circuit  
 2           court clerk's office.  
 3           (c) The county election board shall:  
 4               (1) accept; and  
 5               (2) transmit;  
 6           applications for absentee ballots under subsection (a) by fax **or**  
 7           **electronic mail, if the county election board has access to a fax**  
 8           **machine or electronic mail.** A county election board shall accept an  
 9           application for an absentee ballot transmitted by fax even though the  
 10          application is delivered to the county election board by a person other  
 11          than the person submitting the application.

12          SECTION 28. IC 3-11-8-2 IS AMENDED TO READ AS  
 13          FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter shall  
 14          vote at the polls for the precinct where the voter resides except when  
 15          authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, **or**  
 16          IC 3-10-12. ~~or at a special voting poll under section 6.5 of this chapter.~~

17          SECTION 29. IC 3-11-8-3.1 IS AMENDED TO READ AS  
 18          FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) A county  
 19          executive shall designate the polls for each precinct not less than  
 20          twenty-nine (29) days before election day.

21          (b) The designation of a polling place under this section remains in  
 22          effect until:

- 23               (1) the location of the polling place is altered by an order of the
- 24               county executive or county election board under this chapter; or
- 25               (2) a precinct establishment order issued under IC 3-11-1.5:
  - 26                   (A) designates a new polling place location; or
  - 27                   (B) combines the existing precinct with another precinct
  - 28                   established by the order.

29          ~~(c) The county executive shall then file the report required by~~  
 30          ~~section 6.5 of this chapter concerning polls that are inaccessible to~~  
 31          ~~voters with disabilities.~~

32          SECTION 30. IC 3-11-8-3.2 IS AMENDED TO READ AS  
 33          FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) A county  
 34          executive shall give ten (10) days notice of the place of voting in each  
 35          precinct by publication in the manner prescribed by IC 5-3-1-4. The  
 36          notice must include the following information:

- 37               ~~(1) For each precinct, state~~ whether the polls are located in an  
 38               accessible facility.
- 39               ~~(2) If special polling places are designated under section 6.5 of~~  
 40               ~~this chapter:~~
  - 41                   ~~(A) the location of each special polling place; and~~
  - 42                   ~~(B) the procedures for elderly voters and voters with~~

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1            ~~disabilities to apply to vote at a special polling place.~~

2            (b) If it is necessary to change a place for voting after giving notice,  
3 notice of the change shall be given in the same manner. However,  
4 except as provided in subsection (c), a change may not be made within  
5 two (2) days before an election.

6            (c) If the county election board determines by a unanimous vote of  
7 the board's entire membership that the use of a polling place at an  
8 election would be dangerous or impossible, the county election board  
9 may order the relocation of the polling place during the final two (2)  
10 days before an election. The county election board shall give the best  
11 possible notice of this change to news media and the voters of the  
12 precinct. If an order is adopted under this subsection, the order expires  
13 after the election.

14            SECTION 31. IC 3-11-8-6 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~Except as~~  
16 ~~provided in section 6.5 of this chapter,~~ The county executive shall  
17 locate the polls for each precinct in an accessible facility.

18            SECTION 32. IC 3-11-13-31.6 IS ADDED TO THE INDIANA  
19 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
20 **[EFFECTIVE UPON PASSAGE]: Sec. 31.6. Whenever a ballot card**  
21 **voting system is used in a precinct and a ballot form prescribed by**  
22 **this title refers to a voting mark, the county election board shall**  
23 **approve voting instructions indicating that a specific type of**  
24 **marking device is employed on the system to indicate a vote.**

25            SECTION 33. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005,  
26 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have  
28 the names of all candidates for all elected offices, political party  
29 offices, and public questions printed on ballot labels for use in an  
30 electronic voting system as provided in this chapter.

31            (b) The county may:

32            (1) print all offices and public questions on a single ballot label;  
33            and

34            (2) include a ballot variation code to ensure that the proper  
35            version of a ballot label is used within a precinct.

36            (c) Each type of ballot label or paster must be of uniform size and  
37 of the same quality and color of paper (except as permitted under  
38 IC 3-10-1-17).

39            (d) The nominees of a political party or an independent candidate  
40 or independent ticket (described in IC 3-11-2-6) nominated by  
41 petitioners must be listed on the ballot label with the name and device  
42 set forth on the certification or petition. The circle containing the

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1 device may be of any size that permits a voter to readily identify the  
 2 device. IC 3-11-2-5 applies if the certification or petition does not  
 3 include a name or device, or if the same device is selected by two (2)  
 4 or more parties or petitioners.

5 (e) The ballot labels must list the offices on the general election  
 6 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,  
 7 IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a)  
 8 through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each  
 9 office and public question may have a separate screen, or the offices  
 10 and public questions may be listed in a continuous column either  
 11 vertically or horizontally. However, school board offices, public  
 12 questions concerning the retention of a justice or judge, local  
 13 nonpartisan judicial offices, and local public questions shall be placed  
 14 at the beginning of separate columns or pages.

15 (f) The name of each office must be printed in a uniform size in bold  
 16 type. A statement reading substantially as follows must be placed  
 17 immediately below the name of the office and above the name of the  
 18 first candidate: "Vote for not more than (insert the number of  
 19 candidates to be elected) candidate(s) for this office."

20 (g) Below the name of the office and the statement required by  
 21 subsection (f), the names of the candidates for each office must be  
 22 grouped together in the following order:

23 (1) The major political party whose candidate received the highest  
 24 number of votes in the county for secretary of state at the last  
 25 election is listed first.

26 (2) The major political party whose candidate received the second  
 27 highest number of votes in the county for secretary of state is  
 28 listed second.

29 (3) All other political parties listed in the order that the parties'  
 30 candidates for secretary of state finished in the last election are  
 31 listed after the party listed in subdivision (2).

32 (4) If a political party did not have a candidate for secretary of  
 33 state in the last election or a nominee is an independent candidate  
 34 or independent ticket (described in IC 3-11-2-6), the party or  
 35 candidate is listed after the parties described in subdivisions (1),  
 36 (2), and (3).

37 (5) If more than one (1) political party or independent candidate  
 38 or ticket described in subdivision (4) qualifies to be on the ballot,  
 39 the parties, candidates, or tickets are listed in the order in which  
 40 the party filed its petition of nomination under IC 3-8-6-12.

41 (6) A space for write-in voting is placed after the candidates listed  
 42 in subdivisions (1) through (5), if required by law. **A space for**

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1 **write-in voting for an office is not required if there are no**  
2 **declared write-in candidates for that office. However,**  
3 **procedures must be implemented to permit write-in voting for**  
4 **candidates for federal offices.**

5 (7) The name of a write-in candidate may not be listed on the  
6 ballot.

7 (h) The names of the candidates grouped in the order established by  
8 subsection (g) must be printed in type with uniform capital letters and  
9 have a uniform space between each name. The name of the candidate's  
10 political party, or the word "Independent", if the:

- 11 (1) candidate; or
  - 12 (2) ticket of candidates for:
    - 13 (A) President and Vice President of the United States; or
    - 14 (B) governor and lieutenant governor;
- 15 is independent, must be placed immediately below or beside the name  
16 of the candidate and must be printed in uniform size and type.

17 (i) All the candidates of the same political party for election to  
18 at-large seats on the fiscal or legislative body of a political subdivision  
19 must be grouped together:

- 20 (1) under the name of the office that the candidates are seeking;
- 21 (2) in the party order established by subsection (g); and
- 22 (3) within the political party, in alphabetical order according to  
23 surname.

24 A statement reading substantially as follows must be placed  
25 immediately below the name of the office and above the name of the  
26 first candidate: "Vote for not more than (insert the number of  
27 candidates to be elected) candidate(s) of ANY party for this office."

28 (j) Candidates for election to at-large seats on the governing body  
29 of a school corporation must be grouped:

- 30 (1) under the name of the office that the candidates are seeking;
- 31 and
- 32 (2) in alphabetical order according to surname.

33 A statement reading substantially as follows must be placed  
34 immediately below the name of the office and above the name of the  
35 first candidate: "Vote for not more than (insert the number of  
36 candidates to be elected) candidate(s) for this office."

37 (k) The cautionary statement described in IC 3-11-2-7 must be  
38 placed at the top or beginning of the ballot label before the first office  
39 is listed.

40 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and  
41 IC 3-11-2-10(d) may be:

- 42 (1) placed on the ballot label; or

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1 (2) posted in a location within the voting booth that permits the  
2 voter to easily read the instructions.

3 (m) The ballot label must include a touch sensitive point or button  
4 for voting a straight political party or independent ticket (described in  
5 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button  
6 must be identified by:

- 7 (1) the name of the political party or independent ticket; and
- 8 (2) immediately below or beside the political party's or  
9 independent ticket's name, the device of that party or ticket  
10 (described in IC 3-11-2-5).

11 The name and device of each party or ticket must be of uniform size  
12 and type, and arranged in the order established by subsection (g) for  
13 listing candidates under each office. The instructions described in  
14 IC 3-11-2-10(b) for voting a straight party ticket and the statement  
15 concerning presidential electors required under IC 3-10-4-3 may be  
16 placed on the ballot label or in a location within the voting booth that  
17 permits the voter to easily read the instructions.

18 (n) A public question must be in the form described in  
19 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive  
20 point or button must be used instead of a square. Except as expressly  
21 authorized or required by statute, a county election board may not print  
22 a ballot label that contains language concerning the public question  
23 other than the language authorized by a statute.

24 (o) The requirements in this section:  
25 (1) do not replace; and  
26 (2) are in addition to;  
27 any other requirements in this title that apply to ballots for electronic  
28 voting systems.

29 (p) The procedure described in IC 3-11-2-16 must be used when a  
30 ballot label does not comply with the requirements imposed by this title  
31 or contains another error or omission that might result in confusion or  
32 mistakes by voters.

33 SECTION 34. IC 3-11-14-22.5 IS ADDED TO THE INDIANA  
34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
35 [EFFECTIVE UPON PASSAGE]: **Sec. 22.5. Whenever an electronic**  
36 **voting system is used in a precinct and a ballot form prescribed by**  
37 **this title refers to a voting mark, the county election board shall**  
38 **approve voting instructions indicating that a specific type of**  
39 **marking device is employed on the system to indicate a vote.**

40 SECTION 35. IC 3-11-15-4 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each application  
42 for certification of a voting system shall be accompanied by a fee of

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1 one thousand five hundred dollars (\$1,500). **All fees collected under**  
2 **this section shall be deposited with the treasurer of state in the**  
3 **voting system technical oversight program account established by**  
4 **IC 3-11-17-6.**

5 SECTION 36. IC 3-11-17-6, AS ADDED BY P.L.221-2005,  
6 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 6. (a) The voting system technical oversight  
8 program account is established with the state general fund to provide  
9 money for administering and enforcing IC 3-11-7, IC 3-11-7.5,  
10 IC 3-11-15, ~~IC 3-11-16~~, **IC 3-11-16**, and this chapter.

11 (b) The election division shall administer the account. With the  
12 approval of the budget agency, funds in the account are available to  
13 augment and supplement the funds appropriated to the election division  
14 for the purposes described in this section.

15 (c) The expenses of administering the account shall be paid from the  
16 money in the account.

17 (d) The account consists of **the following:**

- 18 (1) All civil penalties collected under this chapter.
- 19 (2) **Fees collected under IC 3-11-15-4.**
- 20 (3) **Contributions to the account made in accordance with a**
- 21 **settlement agreement executed with a voting system vendor.**

22 (e) **Money in the account at the end of a state fiscal year does not**  
23 **revert to the state general fund.**

24 (f) **All money in the account is continuously appropriated for the**  
25 **purposes specified in subsection (a).**

26 SECTION 37. IC 3-11-18-5, AS ADDED BY P.L.164-2006,  
27 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except for a municipality  
29 described in subsection (b), a plan must provide a vote center for use  
30 by voters residing in each municipality within the county conducting  
31 a municipal primary or a municipal election.

32 (b) ~~A vote center may not be used~~ In a municipal primary or  
33 municipal election conducted within a municipality that is partially  
34 located in a county that has ~~not~~ been designated a vote center pilot  
35 county, **a vote center may not be used by a voter who does not**  
36 **reside within that part of the municipality that is located in the**  
37 **county that has been designated a vote center pilot county.**

38 SECTION 38. IC 3-13-1-10.5 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10.5. (a) A person who  
40 wishes to be a candidate for appointment to fill a candidate vacancy  
41 under this chapter must file a declaration of candidacy on a form  
42 prescribed by the commission with:

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1 (1) the chairman of the caucus **or committee conducting a**  
 2 **meeting under this chapter**; and

3 (2) the official who is required to receive a certificate of candidate  
 4 selection following the caucus under section 15 of this chapter;  
 5 at least seventy-two (72) hours before the time fixed for the caucus **or**  
 6 **committee meeting**.

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

18 SECTION 39. IC 3-13-1-11 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) At a meeting  
 20 called under section 7 of this chapter, the eligible participants shall:

21 (1) establish the ~~caucus~~ rules of procedure **for the caucus or**  
 22 **meeting**, except as otherwise provided in this chapter; and

23 (2) select, by a majority vote of those casting a vote for a  
 24 candidate, a person to fill the candidate vacancy described in the  
 25 call for the meeting.

26 (b) If more than one (1) person seeks to fill the vacancy, the  
 27 selection shall be conducted by secret ballot.

28 SECTION 40. IC 3-13-5-3 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The state  
 30 chairman **(or a person designated by the state chairman)** shall  
 31 preside over a caucus meeting held under this chapter.

32 (b) A person who desires to be a candidate to fill a vacancy under  
 33 this chapter must file:

34 (1) a declaration of candidacy with the chairman of the caucus;  
 35 and

36 (2) a statement of economic interests under IC 2-2.1-3-2 with the  
 37 secretary of the senate or principal clerk of the house of  
 38 representatives;

39 at least seventy-two (72) hours before the time fixed for the caucus.

40 (c) In addition to the procedures prescribed by this chapter, the  
 41 chairman and precinct committeemen may adopt rules of procedure  
 42 that are necessary to conduct business.

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1 SECTION 41. IC 6-1.1-29-2, AS AMENDED BY P.L.224-2007,  
 2 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2008]: Sec. 2. (a) The seven (7) members of the county board  
 4 of tax adjustment shall be appointed before April 15th of each year, and  
 5 their appointments shall continue in effect until April 15th of the  
 6 following year. The four (4) freehold members of the county board of  
 7 tax adjustment may not be, or have been during the year preceding their  
 8 appointment, an official or employee of a political subdivision. The  
 9 four (4) freehold members shall be appointed in such a manner that no  
 10 more than four (4) of the board members are members of the same  
 11 political party. This subsection expires December 31, 2008.

12 (b) The following apply, notwithstanding any other provision:

13 (1) A member may not be appointed to a county board of tax  
 14 adjustment after December 31, 2008.

15 (2) The term of a member of a county board of tax adjustment  
 16 serving on December 31, 2008, expires on December 31, 2008.

17 (3) Each county board of tax adjustment is abolished on  
 18 December 31, 2008.

19 (c) On or before December 31 of 2008 and each even-numbered  
 20 year thereafter, each person or entity required to make an appointment  
 21 to a county board of tax and capital projects review under section 1.5  
 22 of this chapter shall make the required appointment or appointments of  
 23 members who will represent the person or entity on the county board  
 24 of tax and capital projects review. The appointments take effect  
 25 January 1 of the following odd-numbered year and continue in effect  
 26 until December 31 of the following even-numbered year. If a member  
 27 is to be appointed by one (1) entity, the appointment must be made by  
 28 a majority vote of the fiscal body in official session. If a member is to  
 29 be appointed by more than one (1) entity, the appointment must be  
 30 made by a majority vote of the total members of the entities taken in  
 31 joint session. If:

32 (1) a person or entity fails; or

33 (2) the entities, in the case of a joint appointment, fail;

34 to make a required appointment of a member by December 31 of an  
 35 even-numbered year, the county fiscal body shall make the  
 36 appointment.

37 (d) This subsection does not apply to a county containing a  
 38 consolidated city. At the general election in 2008 and every four (4)  
 39 years thereafter, the voters of each county shall under IC 3-11-2-12.8  
 40 elect two (2) individuals who are residents of the county as members  
 41 of the county board of tax and capital projects review. The term of  
 42 office of a member elected under this subsection begins January 1 of

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1 the year following the member's election and ends December 31 of the  
 2 fourth year following the member's election. The two (2) members who  
 3 are elected for a position on the county board of tax and capital projects  
 4 review are determined as follows:

5 (1) The members shall be elected on a nonpartisan basis.

6 (2) Each prospective candidate must file a nomination petition  
 7 with the county election board not earlier than one hundred four  
 8 (104) days and not later than noon seventy-four (74) days before  
 9 the election at which the members are to be elected. The  
 10 nomination petition must include the following information:

11 (A) The name of the prospective candidate.

12 (B) The signatures of at least one hundred (100) registered  
 13 voters residing in the county.

14 (C) A certification that the prospective candidate meets the  
 15 qualifications for candidacy imposed by this chapter.

16 (3) Only eligible voters residing in the county may vote for a  
 17 candidate.

18 (4) The two (2) candidates within the county who receive the  
 19 greatest number of votes in the county are elected.

20 (e) A member elected under this section may not be, or have been  
 21 during the year preceding the member's appointment or election, an  
 22 officer or employee of a political subdivision.

23 **(f) The county election board shall, not later than noon  
 24 seventy-one (71) days before the election:**

25 **(1) determine whether each nomination petition includes a  
 26 sufficient number of signatures required under this section;  
 27 and**

28 **(2) do one (1) of the following:**

29 **(A) If the petition includes a sufficient number of  
 30 signatures, certify the petition.**

31 **(B) If the petition does not include a sufficient number of  
 32 signatures, deny the certification.**

33 **(g) All questions concerning the validity of a nomination petition  
 34 filed with a county election board or contesting the denial of  
 35 certification under this section shall be referred to and determined  
 36 by the county election board. A statement questioning the validity  
 37 of a nomination petition or contesting the denial of certification  
 38 under this section must be filed with the county under the  
 39 procedures set forth in IC 3-8-1-2 not later than noon sixty-seven  
 40 (67) days before the election. The county election board shall rule  
 41 on the validity of the nomination petition or the denial of the  
 42 certification under this section not later than noon fifty-four (54)**

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days before the election.

(h) A candidate may withdraw a nomination petition not later than noon seventy-one (71) days before the election.

(i) An individual who desires to be a write-in candidate for the office of member of the county board of tax and capital projects review must file a declaration of intent to be a write-in candidate with the county election board in the form prescribed by IC 3-8-2-2.5. The individual shall file the declaration not later than noon seventy-four (74) days before the election. A candidate may withdraw a declaration of intent to be a write-in candidate under this section not later than noon seventy-one (71) days before the election.

SECTION 42. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A manager or an employee may use any of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:

- (1) Hand delivery to the county voter registration office.
- (2) Certified mail, return receipt requested.
- (2) Delivery by the United States Postal Service, using first class mail.

(b) A county voter registration office:

- (1) shall process a voter registration application transmitted in electronic format from a license branch; and
- (2) is not required to receive the paper copy of a voter registration application from a license branch before:
  - (A) approving or denying the application; and
  - (B) mailing a notice of approval or denial to the applicant.

SECTION 43. IC 9-24-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The co-directors of the election division shall provide the commission with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of county voter registration office in each county. The commission shall promptly forward the list and each revision of the list to each license branch.

(b) The co-directors of the election division shall provide the commission with pre-addressed packets for the commission to transmit applications under section 6(1) or 6(2) of this chapter.

SECTION 44. IC 36-2-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) The auditor may administer the following:

- (1) Oaths necessary in the performance of the auditor's duties.

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- 1 (2) The oath of office to an officer who receives the officer's
- 2 certificate of appointment ~~or election~~ from the auditor.
- 3 (3) Oaths relating to the duty of an officer who receives the
- 4 officer's certificate of appointment ~~or election~~ from the auditor.
- 5 (4) The oath of office to a member of the board of directors of a
- 6 solid waste management district established under IC 13-21 or
- 7 IC 13-9.5 (before its repeal).
- 8 (b) The auditor may take acknowledgments of deeds and mortgages
- 9 executed for the security of trust funds the auditor is required to lend.
- 10 SECTION 45. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 11 UPON PASSAGE]: IC 3-5-4-6; IC 3-11-8-6.5; IC 3-11-11-1.5;
- 12 IC 3-11-11-1.6.
- 13 SECTION 46. **An emergency is declared for this act.**

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