

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1106 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 3-8-1-2 IS AMENDED TO READ AS FOLLOWS
- 4           [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The commission, a county
- 5           election board, or a town election board shall act if a candidate (or a
- 6           person acting on behalf of a candidate in accordance with state law) has
- 7           filed any of the following:
- 8           (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- 9           (2) A request for ballot placement in a presidential primary under
- 10          IC 3-8-3.
- 11          (3) A petition of nomination or candidate's consent to nomination
- 12          under IC 3-8-6.
- 13          (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,
- 14          IC 3-10-2-15, or IC 3-10-6-12.
- 15          (5) A certificate of candidate selection under IC 3-13-1 or
- 16          IC 3-13-2.
- 17          (6) A declaration of intent to be a write-in candidate under
- 18          IC 3-8-2-2.5.
- 19          (7) A contest to the denial of certification under IC 3-8-6-12.
- 20          (b) The commission has jurisdiction to act under this section with
- 21          regard to any filing described in subsection (a) that was made with the
- 22          election division. Except for a filing under the jurisdiction of a town
- 23          election board, a county election board has jurisdiction to act under this
- 24          section with regard to any filing described in subsection (a) that was
- 25          made with the county election board, county voter registration office,
- 26          or the circuit court clerk. A town election board has jurisdiction to act
- 27          under this section with regard to any filing that was made with the
- 28          county election board, the county voter registration office, or the circuit
- 29          court clerk for nomination or election to a town office.

1 (c) Except as provided in subsection (e), before the commission or  
 2 election board acts under this section, a registered voter of the ~~election~~  
 3 ~~district that a candidate seeks to represent~~ **jurisdiction conducting an**  
 4 **election that includes on the ballot the office for which a candidate**  
 5 **has made a filing described in subsection (a)** must file a sworn  
 6 statement with the election division or election board:

7 (1) questioning the eligibility of ~~a~~ **the** candidate to seek the office;  
 8 and

9 (2) setting forth the facts known to the voter concerning this  
 10 question.

11 (d) The eligibility of a write-in candidate or a candidate nominated  
 12 by a convention, petition, or primary may not be challenged under this  
 13 section if the commission or board determines that all of the following  
 14 occurred:

15 (1) The eligibility of the candidate was challenged under this  
 16 section before the candidate was nominated.

17 (2) The commission or board conducted a hearing on the affidavit  
 18 before the nomination.

19 (3) This challenge would be based on substantially the same  
 20 grounds as the previous challenge to the candidate.

21 (e) Before the commission or election board can consider a contest  
 22 to the denial of a certification under IC 3-8-6-12, a candidate (or a  
 23 person acting on behalf of a candidate in accordance with state law)  
 24 must file a sworn statement with the election division or election board:

25 (1) stating specifically the basis for the contest; and

26 (2) setting forth the facts known to the candidate supporting the  
 27 basis for the contest.

28 (f) Upon the filing of a sworn statement under subsection (c) or (e),  
 29 the commission or election board shall determine the validity of the  
 30 questioned:

31 (1) declaration of candidacy;

32 (2) declaration of intent to be a write-in candidate;

33 (3) request for ballot placement under IC 3-8-3;

34 (4) petition of nomination;

35 (5) certificate of nomination;

36 (6) certificate of candidate selection issued under IC 3-13-1-15 or  
 37 IC 3-13-2-8; or

38 (7) denial of a certification under IC 3-8-6-12.

39 (g) The commission or election board shall deny a filing if the  
 40 commission or election board determines that the candidate has not  
 41 complied with the applicable requirements for the candidate set forth  
 42 in the Constitution of the United States, the Constitution of the State of  
 43 Indiana, or this title."

44 Renumber all SECTIONS consecutively.

(Reference is to EHB 1106 as reprinted February 19, 2010.)

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Senator YOUNG R MICHAEL