



January 28, 2011

HOUSE BILL No. 1242

DIGEST OF HB 1242 (Updated January 26, 2011 7:10 pm - DI 75)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-13; IC 9-24; IC 36-2.

Synopsis: Various election law matters. Makes the following changes to the election law: (1) Specifies the contents of statewide voter registration system reports. (2) 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. (3) 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. (4) Changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates. (5) 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. (6) Requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest. (7) Provides that if a proposed precinct boundary splits a census block, the precinct establishment order must include a description of the precinct boundary in metes and bounds or one or more aerial photographs that depict each census block that is split and the boundary of the precinct that splits each census block. Makes other technical changes to precinct boundary change procedures. (8) Requires a certificate of nomination in a special election called by the
(Continued next page)

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Effective: July 1, 2011.

**Richardson, Behning, Ellspermann,
DeLaney, Koch**

January 12, 2011, read first time and referred to Committee on Elections and Apportionment.
January 27, 2011, amended, reported — Do Pass.

HB 1242—LS 7077/DI 102+



Digest Continued

governor to be filed not later than noon 74 days (rather than noon 50 days) before the date of the election. (9) Specifies that notice of a meeting to fill an early candidate vacancy must be filed not later than noon ten days before the meeting with the public official required to receive these notices. (10) Specifies that a certificate to fill certain early candidate vacancies must be filed not later than noon three days after the selection of the candidates. (11) Permits a county chairman of a political party to designate a person to preside over a meeting to fill an early candidate vacancy or a vacancy in a local office. (12) Makes other changes relating to filling candidate vacancies. (13) Repeals obsolete references concerning voting instructions, paper ballots, and special polling places. (14) Makes a technical correction.

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January 28, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1242



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

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

1 SECTION 1. IC 3-5-4-1.9, AS ADDED BY P.L.164-2006,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: 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 JULY 1, 2011]: Sec. 7. Except as otherwise provided in this title, a
15 reference to a federal statute or regulation in this title is a reference to
16 the statute or regulation as in effect January 1, ~~2005~~ **2011**.

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

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1 [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) After the state chairman of a
2 political party files a statement with the election division certifying that
3 the party's name has been changed in accordance with all applicable
4 party rules, a political party shall be known by the political party's new
5 name, and the party has all the rights it had under its former name.

6 (b) If the state chairman of a political party files a statement under
7 subsection (a) after the printing of ballots for use at an election
8 conducted under this title has begun, ~~the election division or the~~
9 election board responsible for printing the ballots is not required to
10 alter the ballots to state the new name of the political party.

11 SECTION 4. IC 3-6-6-39, AS AMENDED BY P.L.230-2005,
12 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2011]: Sec. 39. (a) The county election board by unanimous
14 vote of the entire membership of the board may permit an individual
15 who is not a voter to serve as any precinct election officer (other than
16 inspector), or to assist a precinct election officer, if the individual
17 satisfies all the following:

- 18 (1) The individual is at least sixteen (16) years of age but not
19 ~~more than seventeen (17)~~ **eighteen (18)** years of age **or older**.
- 20 (2) The individual is a citizen of the United States.
- 21 (3) The individual is a resident of the county.
- 22 (4) The individual has a cumulative grade point average
23 equivalent to not less than 3.0 on a 4.0 scale.
- 24 (5) The individual has the written approval of the principal of the
25 school the individual attends at the time of the appointment or, if
26 the student is educated in the home, the approval of the individual
27 responsible for the education of the student.
- 28 (6) The individual has the approval of the individual's parent or
29 legal guardian.
- 30 (7) The individual has satisfactorily completed any training
31 required by the county election board.
- 32 (8) The individual otherwise is eligible to serve as a precinct
33 election officer under this chapter.

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

- 36 (1) must serve in a nonpartisan manner in accordance with the
37 standards developed by the Help America Vote Foundation under
38 36 U.S.C. 152602; and
- 39 (2) while serving as a precinct election officer or assistant:
 - 40 (A) is not required to obtain an employment certificate under
 - 41 IC 20-33-3; and
 - 42 (B) is not subject to the limitations on time and duration of

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employment under IC 20-33-3.

SECTION 5. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29. ~~However,~~

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

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

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

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

SECTION 6. IC 3-7-27-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) As required under 42 U.S.C. 1973gg-6(i), a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the following:

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

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

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IC 5-14-3.

(c) In accordance with ~~IC 5-14-3-3(g)~~ **IC 5-14-3-3(h)** and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer tape, computer disc, microfilm, or other similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information.

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

- (1) use the information to solicit merchandise, goods, services, or subscriptions; or
 - (2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;
- for a purpose other than political activities or political fundraising activities.

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

SECTION 7. IC 3-7-28-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. ~~Not later than thirty (30) days after receipt of the reports of deceased individuals required under this article;~~ **(a) Each circuit court clerk or board of county voter registration office shall send a list of the deceased persons whose registrations have been canceled to the following upon request:**

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

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

SECTION 8. IC 3-7-28-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. ~~Not later than thirty (30) days after preparation of a list of disfranchised voters under this article;~~ **the circuit court clerk or board of (a) Each county voter**

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1 registration office shall send a ~~notice~~ **list of disfranchised voters**
2 **whose registrations have been canceled** to the following upon
3 request:

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

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

14 SECTION 9. IC 3-7-28-14 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. ~~The circuit court~~
16 ~~clerk or board of~~ (a) **Each county voter registration office** shall
17 provide a list of the names and addresses of all voters whose
18 registrations have been canceled under this article ~~not later than sixty~~
19 ~~(60) days before election day~~ to the following upon request:

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

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

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

32 SECTION 10. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006,
33 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2011]: Sec. 4.5. (a) Except as provided in subsection (b), this
35 section applies to an individual who:

- 36 (1) submits an application to register to vote by mail under
37 IC 3-7-22; and
- 38 (2) has not previously voted in:
 - 39 (A) a general election in Indiana (or a special election for
40 federal office in Indiana); or
 - 41 (B) a general election (or a special election for federal office)
42 in the county where the individual has submitted an

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1 application under this chapter if a statewide voter registration
2 system is not operational in accordance with the requirements
3 of IC 3-7-26.3 and 42 U.S.C. 15483 on the date the application
4 is was received by the county voter registration office after
5 **December 31, 2002, and before January 1, 2006.**

6 (b) This section does not apply to an individual who complies with
7 the requirements in any of the following:

8 (1) The individual submits an application to register to vote by
9 mail under this chapter and includes with that mailing a copy of:

10 (A) a current and valid photo identification; or

11 (B) a current utility bill, bank statement, government check,
12 paycheck, or government document;

13 that shows the name and residence address of the voter stated on
14 the voter registration application.

15 (2) The individual submits an application to register to vote by
16 mail under this chapter that includes:

17 (A) the individual's Indiana driver's license number; or

18 (B) the last four (4) digits of the individual's Social Security
19 number;

20 and the county voter registration office or election division
21 matches the information submitted by the applicant with an
22 existing Indiana identification record bearing the same number,
23 name, and date of birth set forth in the voter registration
24 application.

25 (3) The individual is an absent uniformed services voter or
26 overseas voter.

27 (4) The individual is entitled to vote other than in person under
28 the federal Voting Accessibility for the Elderly and Handicapped
29 Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by
30 the election division that a permanent or temporarily accessible
31 polling place cannot be provided for the individual.

32 (5) The individual is entitled to vote other than in person under
33 any other federal law.

34 (c) When a county voter registration office receives a voter
35 registration application by mail, the office shall determine whether the
36 applicant is subject to the requirements to provide additional
37 documentation under this section and 42 U.S.C. 15483.

38 (d) As required by 42 U.S.C. 15483, a county voter registration
39 office shall administer the requirements of this section in a uniform and
40 nondiscriminatory manner.

41 (e) If the county voter registration office determines that the
42 applicant:

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1 (1) is not required to submit additional documentation under this
2 section; or

3 (2) has provided the documentation required under this section;
4 the county voter registration office shall process the application in
5 accordance with section 5 of this chapter.

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

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

15 SECTION 11. IC 3-7-34-7, AS AMENDED BY P.L.81-2005,
16 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2011]: Sec. 7. (a) The county voter registration office shall
18 certify to the NVRA official on an expedited basis a list of the
19 registration forms that have been processed under section 6 of this
20 chapter but do not contain information required to be supplied by the
21 bureau of motor vehicles commission or a voter registration agency.

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

26 SECTION 12. IC 3-7-36-10 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The ~~circuit~~
28 ~~court clerk or board of county voter registration office~~ shall process an
29 absentee registration affidavit or form received from a voter described
30 in section 1 of this chapter during the registration period or during the
31 period beginning on the twenty-ninth day before the election and
32 ending on the date that the clerk or board prepares the certified list
33 under IC 3-7-29-1. ~~tenth day before the election.~~

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

40 SECTION 13. IC 3-7-40-3 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The local public
42 officials (or plan commission under IC 36-7-4-405) responsible for:

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- 1 (1) naming or renaming streets;
 - 2 (2) numbering or renumbering lots or structures; and
 - 3 (3) converting rural route addresses to numbered addresses;
- 4 shall report the changes to the ~~circuit court clerk or board of county~~
5 **voter registration office** not later than the last day of the month
6 following the month in which the change was made.

7 SECTION 14. IC 3-7-40-6, AS AMENDED BY P.L.164-2006,
8 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 6. When notified by the NVRA official of a
10 conversion from rural route addresses to numbered addresses under
11 this chapter, the county voter registration office shall, as soon as
12 practicable, amend

- 13 ~~(1) the original affidavit filed by the voter to indicate the~~
14 ~~numbered address that replaces the rural route address on the~~
15 ~~affidavit; and~~
- 16 ~~(2) the entry for the voter in the computerized list under~~
17 ~~IC 3-7-26.3.~~

18 SECTION 15. IC 3-8-2-10 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. **(a)** A petition
20 required by section 8 of this chapter must be submitted to the ~~circuit~~
21 ~~court clerk or board of county voter~~ registration **office** during the
22 period beginning January 1 of the year in which the primary election
23 will be held and ending at noon seventy-seven (77) days before the
24 primary election.

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

30 SECTION 16. IC 3-8-3-4 IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2011]: Sec. 4. **(a)** A petition required by section
32 2 of this chapter must be submitted to the county voter registration
33 office during the period beginning January 1 of the year in which the
34 primary election will be held and ending at noon ten (10) days before
35 the final date for filing a declaration of candidacy under IC 3-8-2-4 for
36 the primary election.

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

41 SECTION 17. IC 3-8-5-14 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. ~~(a)~~ A certificate of

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1 nomination **executed under section 13 of this chapter** must be signed
2 before a person authorized to administer oaths and certify the following
3 information:

4 (1) The name of the party, the town where the convention was
5 held, the date of the convention, and the date of the town election.

6 ~~(2) The name, residence, and office of each candidate that was~~
7 ~~nominated at the convention:~~

8 ~~(3) That each candidate for town council resides in the ward for~~
9 ~~which the person is a candidate:~~

10 ~~(4) That each candidate is a registered voter of the town and~~
11 ~~legally qualified to hold the office for which the person is a~~
12 ~~candidate:~~

13 ~~(5) (2) The title of the party that the candidates represent and the~~
14 ~~device by which the candidates may be designated on the ballots~~
15 ~~(a symbol to designate the party).~~

16 ~~(6) (3) The signature and residence address of the presiding~~
17 ~~officer and secretary of the convention.~~

18 ~~(b) The certificate of nomination must be filed with the circuit court~~
19 ~~clerk of the county where the convention was held:~~

20 SECTION 18. IC 3-8-6-12 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) A petition of
22 nomination for an office filed under section 10 of this chapter must be
23 filed with and, except as provided in subsection (d), certified by the
24 person with whom a declaration of candidacy must be filed under
25 IC 3-8-2.

26 (b) The petition of nomination must be accompanied by the
27 following:

28 (1) The candidate's written consent to become a candidate.

29 (2) A statement that the candidate:

30 (A) is aware of the provisions of IC 3-9 regarding campaign
31 finance and the reporting of campaign contributions and
32 expenditures; and

33 (B) agrees to comply with the provisions of IC 3-9.

34 The candidate must separately sign the statement required by this
35 subdivision.

36 (3) If the candidate is subject to IC 3-9-1-5, a statement by the
37 candidate that the candidate has filed a campaign finance
38 statement of organization under IC 3-9-1-5 or is aware that the
39 candidate may be required to file a campaign finance statement of
40 organization not later than noon seven (7) days after the final date
41 for filing a petition for nomination under section 10 of this
42 chapter.

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- 1 (4) If the candidate is subject to IC 3-9-1-5.5, a statement by the
- 2 candidate that the candidate is aware of the requirement to file a
- 3 campaign finance statement of organization under IC 3-9 after the
- 4 first of either of the following occurs:
- 5 (A) The candidate receives more than five hundred dollars
- 6 (\$500) in contributions.
- 7 (B) The candidate makes more than five hundred dollars
- 8 (\$500) in expenditures.
- 9 (5) A statement indicating whether or not each candidate:
- 10 (A) has been a candidate for state or local office in a previous
- 11 primary or general election; and
- 12 (B) has filed all reports required by IC 3-9-5-10 for all
- 13 previous candidacies.
- 14 (6) A statement that each candidate is legally qualified to hold the
- 15 office that the candidate seeks, including any applicable residency
- 16 requirements and restrictions on service due to a criminal
- 17 conviction.
- 18 (7) If the petition is filed with the secretary of state for an office
- 19 not elected by the electorate of the whole state, a statement signed
- 20 by the circuit court clerk of each county in the election district of
- 21 the office sought by the individual.
- 22 (8) Any statement of economic interests required under
- 23 IC 3-8-1-33.
- 24 (c) The statement required under subsection (b)(7) must:
- 25 (1) be certified by each circuit court clerk; and
- 26 (2) indicate the number of votes cast for secretary of state:
- 27 (A) at the last election for secretary of state; and
- 28 (B) in the part of the county included in the election district of
- 29 the office sought by the individual filing the petition.
- 30 (d) The person with whom the petition of nomination must be filed
- 31 under subsection (a) shall:
- 32 (1) determine whether a sufficient number of signatures as
- 33 required by section 3 of this chapter have been obtained; and
- 34 (2) do one (1) of the following:
- 35 (A) If the petition includes a sufficient number of signatures,
- 36 certify the petition.
- 37 (B) If the petition has an insufficient number of signatures,
- 38 deny the certification.
- 39 (e) The secretary of state shall, by noon ~~August 20~~: **on the date**
- 40 **specified under IC 3-8-7-16 for the certification of candidates and**
- 41 **public questions by the election division:**
- 42 (1) certify; or

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1 (2) deny certification under subsection (d) to;
 2 each petition of nomination filed in the secretary of state's office to the
 3 appropriate county.
 4 (f) The commission shall provide that the form of a petition of
 5 nomination includes the following information near the separate
 6 signature required by subsection (b)(2):
 7 (1) The dates for filing campaign finance reports under IC 3-9.
 8 (2) The penalties for late filing of campaign finance reports under
 9 IC 3-9.
 10 (g) A candidate's consent to become a candidate must include a
 11 statement that the candidate requests the name on the candidate's voter
 12 registration record be the same as the name the candidate uses on the
 13 consent to become a candidate. If there is a difference between the
 14 name on the candidate's consent to become a candidate and the name
 15 on the candidate's voter registration record, the officer with whom the
 16 consent to become a candidate is filed shall forward the information to
 17 the voter registration officer of the appropriate county as required by
 18 IC 3-5-7-6(e). The voter registration officer of the appropriate county
 19 shall change the name on the candidate's voter registration record to be
 20 the same as the name on the candidate's consent to become a candidate.
 21 (h) If the person with whom the petition was filed denies
 22 certification under subsection (d), the person shall notify the candidate
 23 immediately by certified mail.
 24 (i) A candidate may contest the denial of certification under
 25 subsection (d) based on:
 26 (1) the circuit court clerk's or board of registration's failure to
 27 certify, under section 8 of this chapter, qualified petitioners; or
 28 (2) the determination described in subsection (d)(1);
 29 using the procedure in IC 3-8-1-2 and section 14 of this chapter that
 30 applies to questions concerning the validity of a petition of nomination.
 31 SECTION 19. IC 3-8-7-11, AS AMENDED BY P.L.230-2005,
 32 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2011]: Sec. 11. (a) Except as provided in subsection (f), if a
 34 political party has filed a statement with the election division (or any
 35 of its predecessors) that the device selected by the political party be
 36 used to designate the candidates of the political party on the ballot for
 37 all elections throughout the state, the device must be used until:
 38 (1) the device is changed in accordance with party rules; and
 39 (2) a statement concerning the use of the new device is filed with
 40 the election division.
 41 (b) Except as provided in subsection (c), the device may be any
 42 appropriate symbol.

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

- 3 (1) A symbol that has previously been filed by a political party or
4 candidate with the election division (or any of its predecessors).
5 (2) The coat of arms or seal of the state or of the United States.
6 (3) The national or state flag. ~~or~~
7 (4) Any other emblem common to the people.

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

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

28 (f) If a copy of the device is not filed in accordance with subsection
29 (a) or (e), or unless a device is designated in accordance with section
30 26 or 27 of this chapter, the county election board or town election
31 board is not required to use any device to designate the list of
32 candidates.

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

38 SECTION 20. IC 3-8-7-15 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. In a special election
40 called by the governor, a certificate of nomination may be filed with the
41 public official with whom a certificate is required to be filed at any
42 time after the election is called but no later than noon ~~fifty (50)~~

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1 **seventy-four (74)** days before the date of the election.
2 SECTION 21. IC 3-8-7-25.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25.5. (a) This section
4 does not apply to the change of a candidate's name that occurs after
5 absentee ballots have been printed bearing the candidate's name.

- 6 (b) A candidate who:
7 (1) is:
8 (A) nominated for election; or
9 (B) a candidate for nomination; and
10 (2) changed the candidate's legal name after:
11 (A) the candidate has been nominated; or
12 (B) the candidate has become a candidate for nomination;

13 shall file a statement setting forth the former and current legal name of
14 the candidate with the office where a declaration of candidacy or
15 certificate of nomination for the office is required to be filed. If the
16 final date and hour has not passed for filing a declaration of candidacy,
17 consent for nomination, or declaration of intent to be a write-in
18 candidate, the candidate must file the request for a change of name on
19 the form prescribed by the commission for the declaration or consent.

20 (c) The statement filed under subsection (b) must also indicate the
21 following:

- 22 (1) That the candidate has previously filed a change of name
23 request with a county voter registration office so that the name set
24 forth in the statement is identical to the candidate's name on the
25 county voter registration record.
26 (2) How the candidate's legal name was changed.

27 (d) Upon the filing of the statement, ~~the election division~~ and each
28 county election board shall print the candidate's legal name on the
29 ballot as set forth in the statement.

30 SECTION 22. IC 3-9-1-12 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) A committee
32 may disband at any time in the manner prescribed by this section.

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

35 (c) The commission has exclusive jurisdiction to disband any of the
36 following:

- 37 (1) A candidate's committee for state office.
38 (2) A candidate's committee for legislative office.
39 (3) A legislative caucus committee.
40 (4) A political action committee that has filed a statement or
41 report with the election division.
42 (5) A regular party committee that has filed a statement or report

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1 with the election division.

2 (d) A county election board has exclusive jurisdiction to disband

3 any of the following:

4 (1) A candidate's committee for a local office.

5 (2) A candidate's committee for a school board office.

6 (3) A political action committee that has filed a statement or

7 report with the election board, unless the political action

8 committee has also filed a report with the election division.

9 (4) A regular party committee that has filed a statement or report

10 with the election board, unless the regular party committee has

11 also filed a report with the election division.

12 (e) The commission or a county election board may administratively

13 disband a committee in the following manner:

14 (1) Not later than the last Friday of January of each year, the

15 election division or county election board shall review the list of

16 committees that have filed statements of organization with the

17 division or board under this article.

18 (2) If the election division or county election board determines

19 both of the following, the election division or county election

20 board may begin a proceeding before the commission or board to

21 administratively disband the committee:

22 (A) The committee has not filed any report of expenditures

23 during the previous three (3) calendar years.

24 (B) The committee last reported cash on hand in an amount

25 that does not exceed one thousand dollars (\$1,000), if the

26 committee filed a report under this article.

27 (3) The election division or county election board shall provide

28 notice of the proceeding by certified mail to the last known

29 address of the chairman and treasurer of the committee.

30 (4) The commission or board may issue an order administratively

31 dissolving the committee ~~and waiving any outstanding civil~~

32 ~~penalty previously imposed by the commission or board,~~ if the

33 commission or board makes the following findings:

34 (A) There is no evidence that the committee continues to

35 receive contributions, make expenditures, or otherwise

36 function as a committee.

37 ~~(B) The prudent use of public resources makes further efforts~~

38 ~~to collect any outstanding civil penalty imposed against the~~

39 ~~committee wasteful or unjust:~~

40 ~~(C)~~ (B) According to the best evidence available to the

41 commission or board, the dissolution of the committee will not

42 impair any contract or impede the collection of a debt or

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judgment by any person.

(5) If the commission or board:

(A) administratively dissolves a committee under subdivision (4); and

(B) finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust;

the commission or board may also waive the outstanding civil 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

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1 [EFFECTIVE JULY 1, 2011]: **Sec. 31.2. (a) This subsection does not**
2 **apply if a recount or contest is being conducted in a county. The**
3 **county voter registration office shall complete the updating of the**
4 **registration record under section 31.1 of this chapter not later than**
5 **sixty (60) days after election day.**

6 (b) **If a recount or contest is being conducted in a county, the**
7 **county voter registration office shall complete the updating of the**
8 **registration record under section 31.1 of this chapter not later than**
9 **sixty (60) days after the completion of the recount or contest and**
10 **the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17,**
11 **IC 3-12-11-18, or IC 3-12-12-19.**

12 SECTION 24. IC 3-10-3-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Whenever a
14 proposed state constitutional amendment or other public question is
15 submitted by the general assembly under Article 16 of the Constitution
16 of the State of Indiana to the electorate of the state for a popular vote,
17 the election division shall certify the public question to the county
18 election board of each county.

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

27 SECTION 25. IC 3-11-1.5-15.5 IS ADDED TO THE INDIANA
28 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
29 **[EFFECTIVE JULY 1, 2011]: Sec. 15.5. If a precinct boundary splits**
30 **a census block, either of the following must be submitted with the**
31 **order described in section 14 of this chapter:**

- 32 (1) **A description of the precinct boundary in metes and**
33 **bounds.**
- 34 (2) **One (1) or more aerial photographs that depict:**
 - 35 (A) **each census block that is split; and**
 - 36 (B) **the boundary of the precinct that splits each census**
37 **block.**

38 SECTION 26. IC 3-11-1.5-16 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) If a proposed
40 precinct establishment order includes a legal description of a precinct
41 with a boundary that follows the boundary of a municipality, state
42 legislative district, or municipal legislative district, the order must

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1 include the following:

2 (1) A description in metes and bounds that identifies the boundary
3 as that of a municipality, state legislative district, or municipal
4 legislative district.

5 (2) A notation on the map of the precinct indicating that the
6 boundary is that of a municipality, state legislative district, or
7 municipal legislative district.

8 (b) If a proposed precinct establishment order described by section
9 of this chapter includes a legal description of a boundary that follows
10 a visible feature, the order must include a description in metes and
11 bounds **or an aerial photograph** that identifies the visible feature that
12 forms the boundary.

13 SECTION 27. IC 3-11-3-29 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 29. (a) If a new
15 candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after
16 the printing of ballots and before the election, the ~~election division or~~
17 ~~the~~ election board may print ballots containing the name of the new
18 candidate.

19 (b) If the ~~election division or the~~ election board determines that
20 printing ballots under subsection (a) would be uneconomical or
21 impractical, the chairman or committee that made the appointment or
22 selection shall provide to the ~~division or the~~ election board the number
23 of pasters the ~~division or the~~ board determines to be necessary for all
24 ballots to reflect the appointment or selection. Pastors may not be given
25 to or received by any person except the ~~co-directors of the election~~
26 ~~division (or the~~ election board and the board's chairman.

27 (c) If a candidate entitled to be placed on the ballot changes the
28 candidate's legal name after the printing of ballots and before the
29 election, the candidate who has changed the candidate's legal name
30 shall provide to the ~~election division or the~~ election board the number
31 of pasters the ~~division or the~~ board determines to be necessary for all
32 ballots to reflect the change of name. If a candidate declines to do so
33 under this subsection, the ~~division or the~~ board is not required to
34 reprint ballots to reflect the change of legal name.

35 SECTION 28. IC 3-11-8-2 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. A voter shall vote at
37 the polls for the precinct where the voter resides except when
38 authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, **or**
39 IC 3-10-12. ~~or at a special voting poll under section 6.5 of this chapter.~~

40 SECTION 29. IC 3-11-8-3.1 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.1. (a) A county
42 executive shall designate the polls for each precinct not less than

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1 twenty-nine (29) days before election day.
 2 (b) The designation of a polling place under this section remains in
 3 effect until:
 4 (1) the location of the polling place is altered by an order of the
 5 county executive or county election board under this chapter; or
 6 (2) a precinct establishment order issued under IC 3-11-1.5:
 7 (A) designates a new polling place location; or
 8 (B) combines the existing precinct with another precinct
 9 established by the order.
 10 ~~(c) The county executive shall then file the report required by~~
 11 ~~section 6.5 of this chapter concerning polls that are inaccessible to~~
 12 ~~voters with disabilities.~~
 13 SECTION 30. IC 3-11-8-3.2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.2. (a) A county
 15 executive shall give ten (10) days notice of the place of voting in each
 16 precinct by publication in the manner prescribed by IC 5-3-1-4. The
 17 notice must include the following information:
 18 ~~(1) For each precinct, state~~ whether the polls are located in an
 19 accessible facility.
 20 ~~(2) If special polling places are designated under section 6.5 of~~
 21 ~~this chapter:~~
 22 ~~(A) the location of each special polling place; and~~
 23 ~~(B) the procedures for elderly voters and voters with~~
 24 ~~disabilities to apply to vote at a special polling place.~~
 25 (b) If it is necessary to change a place for voting after giving notice,
 26 notice of the change shall be given in the same manner. However,
 27 except as provided in subsection (c), a change may not be made within
 28 two (2) days before an election.
 29 (c) If the county election board determines by a unanimous vote of
 30 the board's entire membership that the use of a polling place at an
 31 election would be dangerous or impossible, the county election board
 32 may order the relocation of the polling place during the final two (2)
 33 days before an election. The county election board shall give the best
 34 possible notice of this change to news media and the voters of the
 35 precinct. If an order is adopted under this subsection, the order expires
 36 after the election.
 37 SECTION 31. IC 3-11-8-6 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. ~~Except as provided~~
 39 ~~in section 6.5 of this chapter;~~ The county executive shall locate the
 40 polls for each precinct in an accessible facility.
 41 SECTION 32. IC 3-11-13-31.6 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: **Sec. 31.6. Whenever a ballot card**
 2 **voting system is used in a precinct and a ballot form prescribed by**
 3 **this title refers to a voting mark, the county election board shall**
 4 **approve voting instructions indicating that a specific type of**
 5 **marking device is employed on the system to indicate a vote.**

6 SECTION 33. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005,
 7 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2011]: Sec. 3.5. (a) Each county election board shall have the
 9 names of all candidates for all elected offices, political party offices,
 10 and public questions printed on ballot labels for use in an electronic
 11 voting system as provided in this chapter.

12 (b) The county may:

13 (1) print all offices and public questions on a single ballot label;
 14 and

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

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

20 (d) The nominees of a political party or an independent candidate
 21 or independent ticket (described in IC 3-11-2-6) nominated by
 22 petitioners must be listed on the ballot label with the name and device
 23 set forth on the certification or petition. The circle containing the
 24 device may be of any size that permits a voter to readily identify the
 25 device. IC 3-11-2-5 applies if the certification or petition does not
 26 include a name or device, or if the same device is selected by two (2)
 27 or more parties or petitioners.

28 (e) The ballot labels must list the offices on the general election
 29 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,
 30 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)
 31 through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each
 32 office and public question may have a separate screen, or the offices
 33 and public questions may be listed in a continuous column either
 34 vertically or horizontally. However, school board offices, public
 35 questions concerning the retention of a justice or judge, local
 36 nonpartisan judicial offices, and local public questions shall be placed
 37 at the beginning of separate columns or pages.

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

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1 (g) Below the name of the office and the statement required by
 2 subsection (f), the names of the candidates for each office must be
 3 grouped together in the following order:
 4 (1) The major political party whose candidate received the highest
 5 number of votes in the county for secretary of state at the last
 6 election is listed first.
 7 (2) The major political party whose candidate received the second
 8 highest number of votes in the county for secretary of state is
 9 listed second.
 10 (3) All other political parties listed in the order that the parties'
 11 candidates for secretary of state finished in the last election are
 12 listed after the party listed in subdivision (2).
 13 (4) If a political party did not have a candidate for secretary of
 14 state in the last election or a nominee is an independent candidate
 15 or independent ticket (described in IC 3-11-2-6), the party or
 16 candidate is listed after the parties described in subdivisions (1),
 17 (2), and (3).
 18 (5) If more than one (1) political party or independent candidate
 19 or ticket described in subdivision (4) qualifies to be on the ballot,
 20 the parties, candidates, or tickets are listed in the order in which
 21 the party filed its petition of nomination under IC 3-8-6-12.
 22 (6) A space for write-in voting is placed after the candidates listed
 23 in subdivisions (1) through (5), if required by law. **A space for**
 24 **write-in voting for an office is not required if there are no**
 25 **declared write-in candidates for that office. However,**
 26 **procedures must be implemented to permit write-in voting for**
 27 **candidates for federal offices.**
 28 (7) The name of a write-in candidate may not be listed on the
 29 ballot.
 30 (h) The names of the candidates grouped in the order established by
 31 subsection (g) must be printed in type with uniform capital letters and
 32 have a uniform space between each name. The name of the candidate's
 33 political party, or the word "Independent", if the:
 34 (1) candidate; or
 35 (2) ticket of candidates for:
 36 (A) President and Vice President of the United States; or
 37 (B) governor and lieutenant governor;
 38 is independent, must be placed immediately below or beside the name
 39 of the candidate and must be printed in uniform size and type.
 40 (i) All the candidates of the same political party for election to
 41 at-large seats on the fiscal or legislative body of a political subdivision
 42 must be grouped together:

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

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

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

- 11 (1) under the name of the office that the candidates are seeking;
 12 and
 13 (2) in alphabetical order according to surname.

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

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

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

- 23 (1) placed on the ballot label; or
 24 (2) posted in a location within the voting booth that permits the
 25 voter to easily read the instructions.

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

- 30 (1) the name of the political party or independent ticket; and
 31 (2) immediately below or beside the political party's or
 32 independent ticket's name, the device of that party or ticket
 33 (described in IC 3-11-2-5).

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

41 (n) A public question must be in the form described in
 42 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive

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1 point or button must be used instead of a square. Except as expressly
2 authorized or required by statute, a county election board may not print
3 a ballot label that contains language concerning the public question
4 other than the language authorized by a statute.

5 (o) The requirements in this section:
6 (1) do not replace; and
7 (2) are in addition to;
8 any other requirements in this title that apply to ballots for electronic
9 voting systems.

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

14 SECTION 34. IC 3-11-14-22.5 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2011]: **Sec. 22.5. Whenever an electronic**
17 **voting system is used in a precinct and a ballot form prescribed by**
18 **this title refers to a voting mark, the county election board shall**
19 **approve voting instructions indicating that a specific type of**
20 **marking device is employed on the system to indicate a vote.**

21 SECTION 35. IC 3-13-1-8 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. A meeting under
23 section 7 of this chapter shall be called and chaired by:

- 24 (1) the state chairman, or a person designated by the state
25 chairman, for a caucus or committee acting under section 3, 4, 5,
26 or 6(b) of this chapter; or
- 27 (2) the county chairman of the county in which the greatest
28 percentage of the population of the election district is located, **or**
29 **an individual designated by the county chairman**, for a caucus
30 or committee acting under section 6(a) of this chapter.

31 SECTION 36. IC 3-13-1-9 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. The call for a
33 meeting under section 7 of this chapter must:

- 34 (1) be in writing on a form prescribed by the commission;
- 35 (2) state the name of the chairman of the meeting;
- 36 (3) state the purpose of the meeting;
- 37 (4) state the date, time, and place of the meeting;
- 38 (5) be sent by first class mail, at least ten (10) days before the
39 meeting, to all persons eligible to participate in the meeting; and
- 40 (6) be filed **at least not later than noon** ten (10) days before the
41 meeting with the official who is required to receive a certificate
42 of candidate selection following the caucus under section 15 of

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1 this chapter.

2 SECTION 37. IC 3-13-1-10.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.5. (a) A person who
4 wishes to be a candidate for appointment to fill a candidate vacancy
5 under this chapter must file a declaration of candidacy on a form
6 prescribed by the commission with:

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

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

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

24 SECTION 38. IC 3-13-1-11 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) At a meeting
26 called under section 7 of this chapter, the eligible participants shall:

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

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

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

34 SECTION 39. IC 3-13-1-15 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) A county
36 chairman filling a candidate vacancy under section 6(a)(2) of this
37 chapter or the chairman of a meeting filling a candidate vacancy under
38 this chapter shall file a written certificate of candidate selection on a
39 form prescribed by the commission stating the following information
40 for each candidate selected:

41 (1) The name of each candidate as:

42 (A) the candidate wants the candidate's name to appear on the

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- 1 ballot; and
 2 (B) the candidate's name is permitted to appear on the ballot
 3 under IC 3-5-7.
 4 (2) The residence address of each candidate.
 5 (b) The certificate shall be filed with:
 6 (1) the election division for:
 7 (A) a committee acting under section 3, 4, 5, or 6(b) of this
 8 chapter; or
 9 (B) a committee acting under section 6(a) of this chapter to fill
 10 a candidate vacancy in the office of judge of a circuit, superior,
 11 probate, county, or small claims court or prosecuting attorney;
 12 or
 13 (2) the circuit court clerk, for a committee acting under section
 14 6(a) of this chapter to fill a candidate vacancy for a local office
 15 not described in subdivision (1).
 16 (c) This subsection applies to a candidate vacancy resulting from a
 17 vacancy on the primary election ballot as described in section 2 of this
 18 chapter. The certificate required by subsection (a) shall be filed not
 19 later than noon July 3 before election day.
 20 (d) This subsection applies to all candidate vacancies not described
 21 by subsection (c). The certificate required by subsection (a) shall be
 22 filed not ~~more~~ **later** than **noon** three (3) days (excluding Saturdays and
 23 Sundays) after selection of the candidates.
 24 SECTION 40. IC 3-13-5-3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The state
 26 chairman **or a person designated by the state chairman** shall preside
 27 over a caucus meeting held under this chapter.
 28 (b) A person who desires to be a candidate to fill a vacancy under
 29 this chapter must file:
 30 (1) a declaration of candidacy with the chairman of the caucus;
 31 and
 32 (2) a statement of economic interests under IC 2-2.1-3-2 with the
 33 secretary of the senate or principal clerk of the house of
 34 representatives;
 35 at least seventy-two (72) hours before the time fixed for the caucus.
 36 (c) In addition to the procedures prescribed by this chapter, the
 37 chairman and precinct committeemen may adopt rules of procedure
 38 that are necessary to conduct business.
 39 SECTION 41. IC 3-13-11-6 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The county
 41 chairman:
 42 (1) of the county in which the greatest percentage of the

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1 population of the election district is located; and
 2 (2) of the same political party that elected or selected the official
 3 who vacated the office to be filled;
 4 **(or an individual designated by the county chairman)** is the
 5 chairman of a caucus held under this chapter. The chairman is not
 6 eligible to vote in the caucus unless the chairman is also a member of
 7 the caucus.

8 SECTION 42. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006,
 9 SECTION 138, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2011]: Sec. 6. **(a)** A manager or an employee
 11 may use any of the following methods to transmit paper copies of voter
 12 registration applications under section 4 of this chapter:

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

- 17 **(b) A county voter registration office:**
- 18 **(1) shall process a voter registration application transmitted**
 19 **in electronic format from a license branch; and**
- 20 **(2) is not required to receive the paper copy of a voter**
 21 **registration application from a license branch before:**
- 22 **(A) approving or denying the application; and**
- 23 **(B) mailing a notice of approval or denial to the applicant.**

24 SECTION 43. IC 9-24-2.5-8 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. ~~(a)~~ The ~~co-directors~~
 26 ~~of the~~ election division shall provide the commission with a list of the
 27 current addresses and telephone numbers of the offices of the ~~circuit~~
 28 ~~court clerk or board of~~ **county voter registration office** in each county.
 29 The commission shall promptly forward the list and each revision of
 30 the list to each license branch.

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

34 SECTION 44. IC 36-2-9-9 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) The auditor may
 36 administer the following:

- 37 (1) Oaths necessary in the performance of the auditor's duties.
- 38 (2) The oath of office to an officer who receives the officer's
 39 certificate of appointment ~~or election~~ from the auditor.
- 40 (3) Oaths relating to the duty of an officer who receives the
 41 officer's certificate of appointment ~~or election~~ from the auditor.
- 42 (4) The oath of office to a member of the board of directors of a

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1 solid waste management district established under IC 13-21 or
2 IC 13-9.5 (before its repeal).

3 (b) The auditor may take acknowledgments of deeds and mortgages
4 executed for the security of trust funds the auditor is required to lend.

5 SECTION 45. THE FOLLOWING ARE REPEALED [EFFECTIVE
6 JULY 1, 2011]: IC 3-5-4-6; IC 3-11-8-6.5; IC 3-11-11-1.5;
7 IC 3-11-11-1.6.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1242, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, reset in roman lines 26 through 28.

Page 12, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 20. IC 3-8-7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. In a special election called by the governor, a certificate of nomination may be filed with the public official with whom a certificate is required to be filed at any time after the election is called but no later than noon ~~fifty (50)~~ **seventy-four (74)** days before the date of the election."

Page 16, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 24. IC 3-11-1.5-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 15.5. If a precinct boundary splits a census block, either of the following must be submitted with the order described in section 14 of this chapter:**

- (1) **A description of the precinct boundary in metes and bounds.**
- (2) **One (1) or more aerial photographs that depict:**
 - (A) **each census block that is split; and**
 - (B) **the boundary of the precinct that splits each census block."**

Page 22, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 35. IC 3-13-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. A meeting under section 7 of this chapter shall be called and chaired by:

- (1) the state chairman, or a person designated by the state chairman, for a caucus or committee acting under section 3, 4, 5, or 6(b) of this chapter; or
- (2) the county chairman of the county in which the greatest percentage of the population of the election district is located, **or an individual designated by the county chairman**, for a caucus or committee acting under section 6(a) of this chapter.

SECTION 36. IC 3-13-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. The call for a meeting under section 7 of this chapter must:

- (1) be in writing on a form prescribed by the commission;
- (2) state the name of the chairman of the meeting;
- (3) state the purpose of the meeting;

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- (4) state the date, time, and place of the meeting;
- (5) be sent by first class mail, at least ten (10) days before the meeting, to all persons eligible to participate in the meeting; and
- (6) be filed **at least not later than noon** ten (10) days before the meeting with the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter."

Page 22, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 39. IC 3-13-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

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

(2) The residence address of each candidate.

(b) The certificate shall be filed with:

- (1) the election division for:
 - (A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or
 - (B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or
- (2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

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

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not ~~more~~ **later than noon** three (3) days (excluding Saturdays and Sundays) after selection of the candidates."

Page 23, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 41. IC 3-13-11-6 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The county chairman:

(1) of the county in which the greatest percentage of the population of the election district is located; and

(2) of the same political party that elected or selected the official who vacated the office to be filled;

(or an individual designated by the county chairman) is the chairman of a caucus held under this chapter. The chairman is not eligible to vote in the caucus unless the chairman is also a member of the caucus."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1242 as introduced.)

KOCH, Chair

Committee Vote: yeas 13, nays 0.

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