

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>12</b>
<b>NO:</b>	<b>0</b>

## MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred Senate Bill 518, 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:*

- 1           Page 1, line 15, delete "An illuminated" and insert "**A highlighted**".
- 2           Page 4, between lines 21 and 22, begin a new paragraph and insert:
- 3           "SECTION 7. IC 3-6-8-1 IS AMENDED TO READ AS
- 4           FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) **The state**
- 5           **chairman and county chairman** of each bona fide political party or
- 6           an independent candidate for a federal or a state office **is are** entitled to
- 7           appoint watchers at each precinct in which the political party or
- 8           independent candidate is on the ballot.
- 9           (b) This subsection applies to a public question that is submitted to
- 10          the electorate. A county election board may appoint watchers if a
- 11          petition requesting the appointment is filed with the board. The petition
- 12          must be signed by:
- 13               (1) the chairman of a political action committee organized under
- 14               IC 3-9 to support or oppose the approval of the public question;
- 15               and

1 (2) at least the number of voters equal to two percent (2%) of the  
2 votes cast in the last election for secretary of state in the county.

3 (c) **Except as provided in subsection (d)**, at any time during  
4 election day, each political action committee, each political party, or an  
5 independent candidate for a federal or a state office may have only one  
6 (1) watcher present at each precinct's polls.

7 (d) **If both the state chairman and the county chairman of a**  
8 **political party have appointed watchers within the county, the**  
9 **political party may have two (2) watchers present at the polls of**  
10 **each precinct of the county at any time during election day.**

11 SECTION 8. IC 3-6-8-3, AS AMENDED BY P.L.230-2005,  
12 SECTION 20, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) A watcher present at the polls  
14 must possess an identification card issued under this section and present  
15 the card if demanded by a member of the precinct election board.

16 (b) The county election board, **state chairman**, county chairman, or  
17 chairman of the committee of the independent candidate for a federal  
18 or a state office:

- 19 (1) must appoint each watcher in writing; and
- 20 (2) shall issue one (1) watcher identification card for each person  
21 appointed as a watcher.

22 (c) The identification card must be signed by the chairman of the  
23 county election board, **state chairman**, county chairman of the party,  
24 or chairman of the committee of the independent candidate for a federal  
25 or a state office that the watcher represents.

26 (d) The identification card described in subsection (a) must clearly  
27 state the following:

- 28 (1) The status of the individual as an appointed watcher.
- 29 (2) The name of the individual serving as a watcher.
- 30 (3) The name of the person who appointed the individual as a  
31 watcher.
- 32 (4) If the individual has been appointed as a watcher by a political  
33 party, the name of the political party."

34 Page 11, delete lines 19 through 42.

35 Page 12, delete line 1.

36 Page 13, between lines 27 and 28, begin a new paragraph and insert:

37 **"(d) A statement concerning the validity of a declaration of**  
38 **intent to be a write-in candidate for a school board office under**

1 section 4 of this chapter must be filed with the county election  
 2 board in accordance with IC 3-8-1-2 not later than noon sixty-seven  
 3 (67) days before the date of the general election. A question  
 4 regarding the validity of a declaration of intent to be a write-in  
 5 candidate for a school board office shall be referred to and  
 6 determined by the county election board not later than noon  
 7 fifty-four (54) days before the date of the general election."

8 Page 18, between lines 3 and 4, begin a new paragraph and insert:

9 "SECTION 30. IC 3-8-7-1 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a) Subject to**  
 11 **subsections (b) and (c)**, the candidate of a political party receiving the  
 12 highest vote for an office at a primary election is the nominee of that  
 13 party for that office.

14 **(b) If the candidate of a political party receiving the highest vote**  
 15 **for an office at a primary election for which a declaration of**  
 16 **candidacy must be filed with the secretary of state or election**  
 17 **division under IC 3-8-2 dies before the certification of primary**  
 18 **election results by the election division, the election division shall**  
 19 **promptly certify to the state chairman of the political party that a**  
 20 **candidate vacancy exists, which may be filled by the political party**  
 21 **under IC 3-13-1.**

22 **(c) If the candidate of a political party receiving the highest vote**  
 23 **for an office at a primary election for which a declaration of**  
 24 **candidacy must be filed with the circuit court clerk under IC 3-8-2**  
 25 **dies before the certification of primary election results by the**  
 26 **county election board, the county election board shall promptly**  
 27 **certify to the county chairman of the political party that a**  
 28 **candidate vacancy exists, which may be filled by the political party**  
 29 **under IC 3-13-1."**

30 Page 18, between lines 29 and 30, begin a new paragraph and insert:

31 "SECTION 32. IC 3-8-9-5, AS ADDED BY P.L.90-2012,  
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2013]: Sec. 5. An individual required to file a statement under  
 34 section 4 of this chapter shall file the statement as follows:

35 (1) With the individual's:

36 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;

37 (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6;

38 **(C) certificate of nomination under IC 3-10-2-15 or**

- 1           **IC 3-10-6-12;**  
 2           **(D) statement consenting to be a replacement candidate**  
 3           **under IC 3-8-6-17;**  
 4           ~~(C)~~ **(E)** declaration of intent to be a write-in candidate under  
 5           IC 3-8-2-2.5; or  
 6           ~~(D)~~ **(F)** certificate of candidate selection under IC 3-13-1 or  
 7           IC 3-13-2.

8           (2) When the individual assumes a vacant elected office under  
 9           IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, or IC 3-13-11. A  
 10          statement filed under this subdivision must be filed not later than  
 11          noon sixty (60) days after the individual assumes the elected  
 12          office."

13          Page 18, line 36, before "where" delete "group" and insert "group,".

14          Page 22, between lines 28 and 29, begin a new paragraph and insert:

15          "SECTION 41. IC 3-11-1.5-10.7 IS ADDED TO THE INDIANA  
 16          CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 17          [EFFECTIVE JULY 1, 2013]: **Sec. 10.7. If a conflict exists between**  
 18          **the map of a precinct and the description of the boundaries of a**  
 19          **precinct submitted by a county and approved under this chapter,**  
 20          **the precinct boundary is the description of the boundaries of the**  
 21          **precinct, rather than the map of the precinct, to the extent of any**  
 22          **conflict between the map and the description."**

23          Page 24, line 18, after "by" insert "**IC 3-7-29-6 or**".

24          Page 25, delete lines 14 through 22, begin a new paragraph and  
 25          insert:

26          "**(c) The county election board shall not print the name of a**  
 27          **deceased candidate described in subsection (b) on a primary ballot.**  
 28          **However, if the county election board has already printed ballots**  
 29          **containing the name of the deceased candidate, the county may**  
 30          **provide those ballots to voters and shall not reprint the ballot to**  
 31          **remove the name of the deceased candidate.**

32          **(d) A voter who has cast a ballot containing the name of a**  
 33          **deceased candidate is entitled to request a replacement absentee**  
 34          **ballot under IC 3-11-10-1.5."**

35          Page 25, delete lines 35 through 41, begin a new paragraph and  
 36          insert:

37          "**(c) However, if the county election board has already printed**  
 38          **ballots containing the name of the deceased candidate, the county**

1       **may provide those ballots to voters and shall not reprint the ballot**  
 2       **to remove the name of the deceased candidate.**

3       **(d) A voter who has cast a ballot containing the name of a**  
 4       **deceased candidate is entitled to request a replacement absentee**  
 5       **ballot under IC 3-11-10-1.5."**

6       Page 28, delete lines 37 through 42, begin a new paragraph and  
 7       insert:

8       "SECTION 53. IC 3-11-4-5.1, AS AMENDED BY HEA  
 9       1157-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS  
 10       [EFFECTIVE JULY 1, 2013]: Sec. 5.1. (a) The commission shall  
 11       prescribe the form of an application for an absentee ballot.

12       (b) This subsection does not apply to the form for an absentee ballot  
 13       application to be submitted by an absent uniformed services voter or  
 14       overseas voter that contains a standardized oath for those voters. The  
 15       form of the application for an absentee ballot must do all of the  
 16       following:

17               (1) Require the applicant to swear to or affirm under the penalties  
 18               of perjury that all of the information set forth on the application is  
 19               true to the best of the applicant's knowledge and belief.

20               (2) Require a person who assisted with the completion of the  
 21               application to swear to or affirm under the penalties of perjury the  
 22               statements set forth in section 2(f) of this chapter.

23               **(3) Serve as a verified statement for a voter to indicate a**  
 24               **change of name under IC 3-7-41. The form must require the**  
 25               **applicant to indicate the applicant's previous name.**

26               (↔) **(4)** Set forth the penalties for perjury.

27       (c) The form prescribed by the commission shall require that a voter  
 28       who:

29               (1) requests an absentee ballot; and

30               (2) is eligible to vote in the precinct under IC 3-10-11 or  
 31               IC 3-10-12;

32       must include the affidavit required by IC 3-10-11 or a written  
 33       affirmation described in IC 3-10-12.

34       (d) Not later than June 30, ~~2012~~, **2013**, the commission shall  
 35       approve absentee ballot application forms that comply with this  
 36       subsection **and section 2(g) of this chapter and permit the applicant**  
 37       **to indicate a change of name under subsection (b).** The form  
 38       prescribed by the commission must request that a voter who requests an

- 1 absentee ballot:
- 2 (1) provide the last four (4) digits of the voter's Social Security
- 3 number; or
- 4 (2) state that the voter does not have a Social Security number.
- 5 The form must indicate that the voter's compliance with this request is
- 6 optional.
- 7 (e) An application form submitted by a voter after June 30, ~~2012~~,
- 8 **2013**, must:
- 9 (1) comply with subsection (d); or
- 10 (2) be an earlier approved version of an application form
- 11 authorized for use on June 30, ~~2012~~; **2013**.
- 12 (f) The form prescribed by the commission must include a statement
- 13 that permits an applicant to indicate whether:
- 14 (1) the applicant has been certified and is currently a participant
- 15 in the address confidentiality program under IC 5-26.5-2; and
- 16 (2) the applicant's legal residence is at the address set forth in the
- 17 applicant's voter registration.
- 18 If the applicant confirms these statements, the applicant may indicate
- 19 the address of the office of the attorney general as the address at which
- 20 the applicant resides and to which the absentee ballot is to be mailed."
- 21 Delete page 29.
- 22 Page 30, delete lines 1 through 4.
- 23 Page 34, delete lines 3 through 15.
- 24 Page 34, line 25, after "under" insert "**IC 3-6-6-8 or**".
- 25 Page 41, line 41, delete "subdivision" and insert "**subsection**".
- 26 Page 42, between lines 10 and 11, begin a new paragraph and insert:
- 27 "**(e) This subsection does not apply to an absentee ballot**
- 28 **application challenged under IC 3-11-4-18.5 until the challenge has**
- 29 **been decided by the election board. If the absentee ballot is**
- 30 **requested by an absent uniformed services voter or an overseas**
- 31 **voter, the absentee ballot shall be mailed:**
- 32 **(1) not more than five (5) days after the date of delivery of the**
- 33 **ballots under IC 3-11-4-15; or**
- 34 **(2) on the day of the receipt of the voter's application;**
- 35 **whichever is later."**
- 36 Page 54, between lines 36 and 37, begin a new paragraph and insert:
- 37 "SECTION 79. IC 3-12-8-1 IS AMENDED TO READ AS
- 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) This section does

1 not apply to a challenge filed before an election to the eligibility of a  
 2 candidate nominated by petition for election to an office. The challenge  
 3 described by this subsection must be conducted in accordance with  
 4 IC 3-8-1-2.

5 (b) Any candidate for nomination or election to a local or school  
 6 board office may contest the nomination or election of a candidate who  
 7 is declared nominated or elected to the office, **except a candidate who:**

8 **(1) receives the most votes in a primary election; and**

9 **(2) is certified as deceased under IC 3-8-7-1.**

10 (c) If a candidate who is entitled to contest the nomination or  
 11 election of a candidate under this chapter does not file a petition within  
 12 the period established by section 5 of this chapter, the county chairman  
 13 of a political party of which the candidate entitled to file a petition  
 14 under this chapter was a member may file a petition to contest the  
 15 nomination or election of a candidate. A county chairman is entitled to  
 16 contest an election under this chapter only in a partisan race.

17 SECTION 80. IC 3-12-8-2, AS AMENDED BY P.L.221-2005,  
 18 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2013]: Sec. 2. An election may be contested  
 20 under section 1 of this chapter if a petitioner alleges that one (1) of the  
 21 following circumstances existed:

22 (1) The contestee was ineligible (**other than a candidate in a**  
 23 **primary election certified as deceased under IC 3-8-7-1).**

24 (2) A mistake occurred in the printing or distribution of ballots  
 25 used in the election that makes it impossible to determine which  
 26 candidate received the highest number of votes.

27 (3) A mistake occurred in the programming of an electronic voting  
 28 system, making it impossible to determine the candidate who  
 29 received the highest number of votes.

30 (4) An electronic voting system malfunctioned, making it  
 31 impossible to determine the candidate who received the highest  
 32 number of votes.

33 (5) A deliberate act or series of actions occurred making it  
 34 impossible to determine the candidate who received the highest  
 35 number of votes cast in the election."

36 Page 55, between lines 39 and 40, begin a new paragraph and insert:

1 "SECTION 84. IC 3-12-11-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) **Except as**  
 3 **provided in subsection (d)**, any candidate:

4 (1) in a presidential primary election;

5 (2) for nomination to a federal, state, or legislative office in a  
 6 primary election; or

7 (3) for a federal, state, or legislative office;

8 is entitled to have the votes cast for that office recounted or to contest  
 9 the nomination or election of a candidate under this chapter. A recount  
 10 may be conducted in one (1) or more of the precincts in which votes  
 11 were cast for the office.

12 (b) This subsection applies to an election for a federal or ~~statewide~~  
 13 **state** office. **Except as provided in subsection (d)**, if a candidate who  
 14 is entitled to file a petition for a recount or contest under this chapter  
 15 does not file a petition within the period established by section 2 of this  
 16 chapter, the state chairman of the candidate's political party may file a  
 17 petition to:

18 (1) have the votes recounted in one (1) or more precincts; or

19 (2) contest the nomination or election of a candidate.

20 (c) This subsection applies to an election for a legislative office.  
 21 **Except as provided in subsection (d)**, if a candidate who is entitled to  
 22 file a petition for a recount or contest under this chapter does not file a  
 23 petition within the period established by section 2 of this chapter, a  
 24 county chairman who:

25 (1) resides in a county located within the election district in which  
 26 the recount or contest is desired; and

27 (2) is a member of the same political party as the candidate  
 28 entitled to petition for a recount or contest under this chapter;

29 may file a petition to have the votes recounted in one (1) or more  
 30 precincts or to contest the nomination or election of a candidate.

31 **(d) The nomination of a candidate in a primary election who has**  
 32 **been certified as deceased under IC 3-8-7-1 may not be contested**  
 33 **under this chapter."**

34 Page 56, line 16, strike "grant" and insert "accept".

35 Page 65, between lines 27 and 28, begin a new paragraph and insert:

36 "SECTION 102. IC 36-1.5-4-26, AS ADDED BY P.L.186-2006,  
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2013]: Sec. 26. When a county recorder has received

1 certifications under this chapter from all of the reorganizing political  
 2 subdivisions, either from the legislative body of a political subdivision  
 3 or from a clerk of the circuit court after a petition process under section  
 4 23.5 of this chapter in a political subdivision, the county recorder shall  
 5 notify the county election board of each county in which a reorganizing  
 6 political subdivision is located. ~~that a public question on a plan of~~  
 7 ~~reorganization is eligible to be placed on the ballot for consideration of~~  
 8 ~~the voters of each of the reorganizing political subdivisions or (in the~~  
 9 ~~case of a reorganization described in section 1(a)(9) of this chapter) for~~  
 10 ~~consideration by the voters of the entire county."~~

11 Page 65, line 32, reset in roman "has notified".

12 Page 65, line 32, delete "certifies to".

13 Page 65, line 32, strike "that a public question".

14 Page 65, strike line 33.

15 Page 65, line 34, strike "county election board shall".

16 Page 65, line 34, delete ", not later than noon of the August 1".

17 Page 65, delete lines 35 through 36.

18 Page 65, line 37, delete "reorganizing political subdivisions, adopt  
 19 an order to".

20 Page 65, line 37, strike "place the".

21 Page 65, line 38, strike "public question on the ballot in accordance  
 22 with IC 3-10-9 on the".

23 Page 65, line 39, delete "next".

24 Page 65, line 39, strike "regularly scheduled general election or  
 25 municipal election".

26 Page 65, line 40, strike "(excluding any primary elections)".

27 Page 65, line 40, delete ".".

28 Page 65, line 42, after "received." insert "**under section 26 of this**  
 29 **chapter, the county election board shall prepare and submit ballot**  
 30 **language to the department of local government finance.**

31 SECTION 104. IC 36-1.5-4-30, AS ADDED BY P.L.186-2006,  
 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2013]: Sec. 30. (a) Except as provided in subsection (b), at the  
 34 same time that election results are certified under IC 3, the circuit court  
 35 clerk of each of the counties in which a public question under this  
 36 chapter is on the ballot shall jointly issue, in the form prescribed by the  
 37 **state Indiana** election ~~board,~~ **commission**, a certificate declaring  
 38 whether the public question is approved or rejected by a majority of the

1 voters voting on the public question in each of the reorganizing political  
 2 subdivisions. In addition to any other requirements in IC 3 concerning  
 3 filing of the certification, the certification shall be sent to each of the  
 4 following:

- 5 (1) The clerk of each of the reorganizing political subdivisions.
- 6 (2) The county auditor of each county in which a reorganizing  
 7 political subdivision is located.
- 8 (3) The county recorder of each county in which a reorganizing  
 9 political subdivision is located.
- 10 (4) The state board of accounts.
- 11 (5) The department of local government finance.
- 12 (6) The department of state revenue.
- 13 (7) The budget agency.
- 14 (8) If any of the reorganizing political subdivisions is a school  
 15 corporation, the department of education.

16 (b) In the case of a public question on a reorganization described in  
 17 section 1(a)(9) of this chapter:

- 18 (1) the public question on a plan of reorganization shall be placed  
 19 on the ballot for consideration by the voters of the entire county;
- 20 (2) the vote on the public question by the voters of the entire  
 21 county shall be tabulated;
- 22 (3) if the legislative bodies of the reorganizing political  
 23 subdivisions have agreed that the vote on the public question shall  
 24 be conducted with a rejection threshold, the vote on the public  
 25 question by the voters of:
  - 26 (A) each reorganizing municipality; and
  - 27 (B) the county (excluding the voters of the reorganizing  
 28 municipalities);
 shall be tabulated separately; and
- 29 (4) the circuit court clerk shall issue, in a form prescribed by the  
 30 state election board, separate certificates regarding whether the  
 31 public question is approved or rejected by the voters of:
  - 32 (A) the entire county;
  - 33 (B) each reorganizing municipality (if the legislative bodies of  
 34 the reorganizing political subdivisions have agreed that the  
 35 vote on the public question shall be conducted with a rejection  
 36 threshold); and
  - 37

1 (C) the county, excluding the voters of the reorganizing  
 2 municipalities (if the legislative bodies of the reorganizing  
 3 political subdivisions have agreed that the vote on the public  
 4 question shall be conducted with a rejection threshold);  
 5 voting on the public question.

6 SECTION 105. [EFFECTIVE JULY 1, 2013] **(a) As used in this**  
 7 **SECTION, "committee" refers to the census data advisory**  
 8 **committee established by IC 2-5-19-2.**

9 **(b) During the 2013 legislative interim, the committee shall do**  
 10 **the following:**

11 **(1) Study methods for enabling an emergency first responder**  
 12 **responding to an emergency declaration to receive an absentee**  
 13 **ballot or absentee ballot application by electronic mail or fax.**

14 **(2) Study the impact of sending to a voter written**  
 15 **communications containing false vote history information**  
 16 **regarding that voter.**

17 **(c) This SECTION expires January 1, 2014."**

18 Delete pages 66 through 68.

19 Renumber all SECTIONS consecutively.

(Reference is to SB 518 as printed February 5, 2013.)

**and when so amended that said bill do pass.**

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Representative Smith M