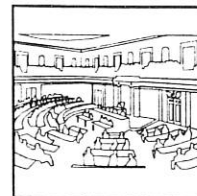


1997 Indiana Election Legislation Summary

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This document summarizes the election-related legislation that passed the Indiana General Assembly and became law in 1997.

The following seven bills amended the election code (IC 3): SEA 7 (Public Law 2-1997), a technical correction bill changing several references to the former State Election Board and its Executive Director; HEA 1844 (Public Law 3-1997), an omnibus elections bill which makes numerous changes in election law; HEA 1783 (Public Law 6-1997), an omnibus real property tax bill which makes numerous changes in cumulative fund tax rates to reflect the change in the assessed valuation of real property from 33.33% of true tax value to 100% of true tax value; HEA 1542 (Public Law 10-1997), an omnibus bill concerning local government finance; HEA 1275 (Public Law 11-1997), a bill concerning the qualifications for serving as a precinct inspector; HEA 1072 (Public Law 12-1997), a bill concerning candidates for city court judges and qualifications for individuals to serve as a city court judge; and SEA 5-1997(ss) (Public Law 253-1997(ss)), a technical correction bill enacted during the special session of the general assembly which amends incorrect cross references contained in election legislation passed during the regular session.

Five bills affecting election law amended or added statutes *outside* of the election code: HEA 1109 (Public Law 71-1997), which amends the standards for classifying municipalities as second or third class cities; HEA 1969 (Public Law 73-1997), which permits an individual serving as an elected official of a "municipal corporation" (such as a city, town, or school corporation) to be issued a beer retailer's permit; HEA 1171 (Public Law 136-1997), which concerns votes on public questions by land occupiers of soil and water conservation districts; HEA 1661 (Public Law 153-1997), which changes the composition and election procedures of the Gary school board; and SEA 50 (Public Law 154-1997), which permits an additional option for the election of school board members.

Senate Joint Resolution 3 (P.L. 251-1997), a proposed state constitutional amendment which would permit an individual serving as secretary of state, treasurer of state, or auditor of state to reside anywhere in Indiana, and Senate Joint Resolution 10 (P.L. 252-1997), a proposed state constitutional amendment concerning the protection of voting rights and amending several election related provisions of the State Constitution, were approved by a second consecutively elected general assembly, and are required to be placed on the ballot for a vote by the electorate.

To obtain a copy of these bills and joint resolutions, contact the Legislative Information Center, 200 W Washington St Ste 230, Indianapolis, Indiana 46204-2731; (317) 232-9856, or download these documents from the Access Indiana homepage: www.ai.org/legislative.

ABSENTEE BALLOT VOTING



1. Any county may process absentee ballots in accordance with "central count" procedures, in which absentee ballots are retained by the county election board and never sent to the precincts. A county may use the central count procedures after the county election board adopts a resolution to do so by unanimous vote of the board's entire membership. (The former provisions establishing a five county "pilot program" for the central count procedure have been repealed.)

A county election board may not adopt a central count resolution less than 60 days before an election, or less than 14 days after an election. The resolution takes effect immediately, and may only be rescinded by the unanimous vote of the entire membership of the county election board. A copy of the resolution must be filed with the election division (rather than the Indiana election commission).

When the teams of absentee ballot counters begin processing ballots, the teams must begin by counting the votes on absentee ballots printed by the election division (rather than the commission). (IC 3-11.5-1-1.1, IC 3-11.5-1-4, IC 3-11.5-5-1, and IC 3-11.5-6-1, as amended by HEA 1844, SECTIONS 333-335, and 337. Effective July 1, 1997. IC 3-11.5-5-4, as amended by HEA 1844, SECTION 336. Effective retroactive to January 1, 1997. IC 3-11.5-1-2, IC 3-11.5-1-2.1, IC 3-11.5-1-3, IC 3-11.5-2-3, and IC 3-11.5-2-4, repealed by HEA 1844, SECTION 476. Effective July 1, 1997.)

2. A county election board shall determine if an applicant for an absentee ballot is a registered voter of the precinct in which the applicant resides, according to the records of the county voter registration office. If the applicant is not a voter of the precinct, the county election board shall deny the application. (IC 3-11-4-17.5, as added by HEA 1844, SECTION 279. Effective July 1, 1997.)



3. If an applicant for an absentee ballot is a registered voter of the precinct in which the applicant resides, according to the records of the county voter registration office, but states on the application that the voter now resides at a different address within the same precinct, the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application, and to approve the application if the voter is otherwise eligible. (IC 3-11-4-17.5, as added by HEA 1844, SECTION 279. Effective July 1, 1997.)



4. If a voter applies for an absentee ballot, and requests that the ballot be mailed to the voter, the absentee ballot application must be received by the circuit court clerk no later than midnight on the eighth day (rather than the fifth day) before the election. (However, this revised deadline does not apply to an absentee ballot application from an individual who both: (1) is a confined voter or person caring for a confined voter; and (2) resides in either Lake County or Marion County.)

In Marion County, if a confined voter or a person caring for a confined voter applies for an absentee ballot, the circuit court clerk may accept: (1) a hand delivered application on behalf of the voter no later than 10 p.m. on the fifth day (rather than the third day) before the election; or (2) a mailed application from the voter no later than 10 p.m. on the eighth day (rather than the third day) before the election. In Lake County, if a confined voter or a person caring for a confined voter applies for an absentee ballot, the chief deputy of the combined board (rather than the circuit court clerk) may accept an application from the voter no later than 10 p.m. on the fourth day before the election. (This deadline was not changed from current previous law). (IC 3-11-4-3, as amended by HEA 1844, SECTION 273. Effective July 1, 1997.)

5. The definitions of "absent uniformed services voter", "overseas voter", "uniformed services", and "United States" used in the federal law permitting certain military and civilian voters to cast absentee ballots are set forth in Indiana law (Former law merely incorporated the federal law definitions of "absent uniformed services voter" and "overseas voter" by reference.) (IC 3-5-2-1.5 and IC 3-5-2-34.5, as amended by HEA 1844, SECTIONS 3 and 12. IC 3-5-2-49.3 and IC 3-5-2-49.6, as added by HEA 1844, SECTIONS 15 and 16. Effective July 1, 1997.)

6. An "absent uniformed services voter" or an "overseas voter" may apply for an absentee ballot at any time by filing a standard form approved under federal law. (Former law permitted a military voter or overseas voter to apply after the November 20 preceding the election by completing a blank absentee ballot application provided by a county election board.) (IC 3-11-4-6, and IC 3-11-4-8, as amended by HEA 1844, SECTIONS 274-275. Effective July 1, 1997.)

7. The election division (rather than the Indiana election commission) prints special write-in absentee ballots to permit an "absent uniformed services voter" or an "overseas voter" who will be outside of the United States on general election day to cast a write-in vote for statewide offices and for each public question to be voted on by the electorate of the entire state. The special absentee ballots must be delivered to the circuit court clerk or the clerk's authorized deputy by the election division (rather than the commission), and must include a notice stating that regular absentee ballots will be mailed to the voter by the appropriate county election board as soon as the ballots are available. (IC 3-11-4-12 and IC 3-11-4-13, as amended by HEA 1844, SECTIONS 276-277. Effective retroactive to January 1, 1997.)

8. An overseas voter who: (1) resides outside the United States; and (2) is no longer a resident of Indiana is only entitled to receive absentee ballots for a federal office. (IC 3-11-4-8, as amended by HEA 1844, SECTION 275. Effective July 1, 1997.)

9. An absentee ballot printed by the election division for a special election must be delivered to a circuit court clerk no later than 29 days (rather than 30 days) before the special election. An absentee ballot printed by a county election board for a special election must be delivered to the circuit court clerk at least 32 days (rather than 30 days) before a special election. (IC 3-11-4-13, as amended by HEA 1844, SECTION 277. Effective retroactive to January 1, 1997. IC 3-11-4-15, as amended by HEA 1844, SECTION 278. Effective July 1, 1997.)



10. An absentee ballot voter board in the office of the circuit court clerk (or the county election board under current law) shall check the signature of the absentee voter immediately upon receipt of an absentee ballot. If a member of the absentee voter board questions whether a signature is genuine, the matter shall be referred to the county election board for consideration. (IC 3-11-10-4 and IC 3-11-10-8, as amended by HEA 1844, SECTIONS 302-303. Effective July 1, 1997.)

11. A voter entitled to cast a replacement absentee ballot due to a ballot printing error must file a written request for a replacement absentee ballot with the circuit court clerk. If a replacement absentee ballot is issued, the county election board must enclose the replacement ballot in a secrecy envelope that contains a notation indicating that the envelope contains an official replacement ballot.

If the county election board receives both an original absentee ballot and an official replacement ballot from the same voter, the county election board shall reject the original absentee ballot and deliver only the official replacement ballot to a precinct election board. (IC 3-11-4-17.8, as added by HEA 1844, SECTION 280. Effective July 1, 1997. IC 3-11-10-1.5, as amended by HEA 1844, SECTION 301. Effective July 1, 1997.)



12. The affidavit on an absentee ballot secrecy envelope must include a statement that, if the affidavit is signed by the voter's attorney in fact, the attorney in fact affirms that the voter personally marked the ballot in secret and enclosed the ballots in the envelope without showing the ballots to the attorney in fact or any other person. The attorney in fact must attach a copy of the power of attorney to the envelope. (IC 3-11-4-21, as amended by HEA 1844, SECTION 281. Effective July 1, 1997.)

13. A guardian or conservator of an individual may not sign an absentee ballot affidavit for the individual unless the guardian or conservator also holds a power of attorney permitting the guardian or conservator to sign the affidavit. (IC 3-11-4-21, as amended by HEA 1844, SECTION 281. Effective July 1, 1997.)



14. No later than noon 10 days before absentee voting begins, a county election board shall notify the county chairmen of each major political party of the number of absentee voter boards to be appointed. The county chairmen have until noon three days before absentee voting begins to make written recommendations for appointments to the absentee voter boards. (IC 3-11-10-36, as amended by HEA 1844, SECTION 309, Effective July 1, 1997.)

15. An otherwise qualified person may serve on an absentee voter board notwithstanding the fact that the absentee voter board member is the first cousin of a candidate. (IC 3-11-10-36, as amended by HEA 1844, SECTION 309, Effective July 1, 1997.)

16. For a special election on a local public question, a county election board may, by unanimous vote of the board's entire membership, provide that the bipartisan membership requirement does not apply for absentee voter board in the special election on the local public question. The resolution may not be rescinded, and expires the day following the special election. (IC 3-11-10-36, as amended by HEA 1844, SECTION 309, Effective July 1, 1997.)

17. A member of an absentee voter board is authorized to administer oaths and take acknowledgments for any purpose authorized under the election code. (IC 3-16-4-1, as amended by HEA 1844, SECTION 448, Effective retroactive to January 1, 1997.)



18. A voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope must vote before a traveling voter board. (IC 3-11-10-24, as amended by HEA 1844, SECTION 305, Effective July 1, 1997.)

19. An absentee voter board may not be denied access to a confined voter's place of confinement if the board is present at a time: (1) agreed to by the board; and (2) during the regular office hours of the circuit court clerk. A person who knowingly violates this provision commits obstruction or interference with an election officer in the discharge of the officer's duty under IC 3-14-3-4, a Class D felony. (IC 3-11-10-25, as amended by HEA 1844, SECTION 306, Effective July 1, 1997.)



20. Before an absentee ballot is voted before a travelling absentee voter board, the ballot must be initialed by either: (1) the absentee voter board visiting the voter; or (2) the county election board, or the board's designated representatives, if a county election board has adopted a resolution to provide the initialing of the ballots by the county election board. A resolution adopted to implement this procedure remains in effect until rescinded by the county election board. The election board may not rescind the resolution during the final sixty days before an election. (IC 3-11-10-27, as amended by HEA 1844, SECTION 308, Effective July 1, 1997.)

21. An absentee voter may vote before the absentee voter board in the circuit court clerk's office not more than 29 days (rather than 30 days) before election day. (IC 3-11-10-26, as amended by HEA 1844, SECTION 307, Effective July 1, 1997.)



22. "Electioneering" within the area in the office of the circuit court clerk used by an absentee voter board to permit an individual to cast an absentee ballot is a Class D felony. "Electioneering" occurs when a person expresses support or opposition to any candidate or political party or expresses approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. (IC 3-14-3-16, as amended by HEA 1844, SECTION 405, Effective July 1, 1997.)

23. A member of an absentee voting board who knowingly induces or persuades a voter to vote for a candidate or for or against a public question commits a Class D felony. (IC 3-14-3-17, as amended by HEA 1844, SECTION 406, Effective July 1, 1997.)

24. An inspector may not accept or count an absentee ballot if the ballot has not been endorsed with the initials of either the two absentee voter board members in the circuit court clerk's office or the two appointed members of the county election board (or the election board's official representatives). (IC 3-11-10-17, as amended by HEA 1844, SECTION 304, Effective July 1, 1997.)



25. If a ballot card has been cast as an absentee ballot, and the stub has been detached from the ballot card, but the stub and ballot card have both been sealed within the absentee ballot secrecy envelope, the ballot card shall be counted if the ballot card would otherwise be a valid ballot. (IC 3-11-13-34.5, as added by HEA 1844, SECTION 324, Effective July 1, 1997.)

BALLOTS, FORMS, SUPPLIES, AND RECORD RETENTION



1. Whenever the Indiana election commission prescribes a new form or approves a revision to an existing form, a person must use the most recent version of the approved form to comply with the election code.

The commission must adopt an order specifying an effective date for the requirement to use the new or revised form. Before this requirement takes effect, the commission must transmit a copy of the order to each circuit court clerk, county voter registration office (if the form is a registration form), each state chairman of a major political party, and any other state party chairman who has requested copies of new or revised forms. The commission may delay the effective date of an order to use a new or revised form, or may permit an earlier version or an alternative version of the form to be used if an emergency requires use of the form before copies can be sent to the individuals entitled to receive copies of new and revised forms.

An office or election official shall reject a filing that does not comply with the requirement to use the most recent version of a form.

The current version of an Indiana election commission form (other than a form, according to the records of the forms management division on May 1, 1997, and other than a form designated obsolete, is considered approved, effective on May 13, 1997, without further action by the election commission under the new statutory procedures. (IC 3-5-4-8, as added by HEA 1844, SECTION 17, IC 3-6-4, 1-14, as amended by HEA 1844, SECTION 24. Effective July 1, 1997. HEA 1844, SECTION 479. Effective May 13, 1997.)



2. A county voter registration office may not accept a photocopied application for voter registration by mail. The county voter registration office must send an application to the individual who submitted the photocopy. If the photocopy arrives before the deadline for registration, and, if no later than the date the certified poll lists are prepared, the individual returns the voter registration application subsequently sent by the county voter registration office, the individual is considered to have met the deadline for applying to register for the election. (IC 3-7-22-7, as amended by HEA 1844, SECTION 69. Effective July 1, 1997.)

3. The co-directors of the election division may require a person who requests more than 10,000 voter registration applications to submit a voter registration plan to document the need for these forms. (Former law permitted the commission to adopt rules concerning the submission of these plans). (IC 3-7-22-6, as amended by HEA 1844, SECTION 68. Effective retroactive to January 1, 1997.)



4. An individual who files a declaration of candidacy or a declaration of intent to be a write-in candidate, or for whom a certification of nomination or petition of nomination is filed, must separately sign a statement that the candidate: (1) is aware of the state laws concerning campaign finance and the reporting of campaign finance contributions and expenditures; and (2) agrees to comply with the campaign finance laws. The candidacy, certification, and petition forms prescribed by the Indiana election commission must include the dates for filing campaign finance reports and the penalties for late filing of the reports. (IC 3-8-2-2.5, IC 3-8-2-7, IC 3-8-6-12, and IC 3-8-7-8, as amended by HEA 1844, SECTIONS 118, 122, 149, and 154. Effective July 1, 1997.)

5. The commission (rather than the "state election board" or the "executive director of the state election board") prescribes the design of voter registration application forms. (IC 3-7-15-4, IC 3-7-15-5, IC 3-7-16-11, IC 3-7-16-12, IC 3-7-18-3, IC 3-7-18-4, IC 3-7-22-3, and IC 3-7-23-2, as amended by HEA 1844, SECTIONS 56-59, 62, 63, 66, and 70. Effective retroactive to January 1, 1997. IC 3-7-17-5, as amended by HEA 1844, SECTION 61. Effective July 1, 1997.)

6. A state income tax booklet must contain enough voter registration application forms to permit two persons to apply for voter registration. (Former law required the application form in these booklets to permit up to two persons to apply on the application.) Obsolete provisions in former law concerning the processing of these voter registration applications have been repealed. (IC 3-7-23-2, as amended by HEA 1844, SECTION 70. Effective retroactive to January 1, 1997. IC 3-7-23-4 and IC 3-7-23-5, repealed by HEA 1844, SECTION 475. Effective May 13, 1997.)

7. On a mail-in application for voter registration, language concerning an individual declining to register and the confidentiality of an office where a person registered is no longer required. A form used to apply for voter registration at a public assistance agency, a disability office, an office of the department of employment and training services, or an additional office designated by state law must comply with NVRA. (IC 3-7-22-5 and IC 3-7-31-4, as amended by HEA 1844, SECTIONS 67 and 90. Effective retroactive to January 1, 1995.)

8. An application for voter registration must request the Social Security number of the applicant, as permitted under the federal Privacy Act of 1974. (This provision codified this long-time practice. A Social Security number had been requested on all voter registration application forms previously prescribed by the state election board or the Indiana election commission.) Registration forms must contain a "notice of disposition" of the application (rather than a "confirmation" as provided by former law.) (IC 3-7-31-5, IC 3-7-32-5, and IC 3-7-33-6, as amended by HEA 1844, SECTIONS 91-93. Effective retroactive to January 1, 1995.)

9. A county voter registration office shall retain all records from voter registration maintenance activities for **at least** two years after the date the record is on file in the office. (These records include declinations and lists of voters who were sent notices under a voter list maintenance program. *[NOTE: Under NVRA, other voter registration records, such as duplicate voter registration applications or addresses changes by voters who are already registered must be retained for as long as that individual remains a registered voter, and for two years following the cancellation of that registration.]*) (IC 3-7-27-6, as amended by HEA 1844, SECTION 82. Effective retroactive to January 1, 1997.)

10. The county voter registration office is required to provide a county chairman of a major political party with a copy of the inspector's certified list of voters in the precinct if the county chairman has requested the county election board to be provided with the copy. (Former law required a copy of each precinct's certified list to be furnished to each county chairman whether or not the copy was requested.) (IC 3-7-28-4, as amended by HEA 1844, SECTION 86. Effective July 1, 1997.)



11. The county voter registration office is required to provide the inspector of a precinct with no more than two copies of the certified list of voters in the precinct if the county chairman has requested the county election board to provide the inspector with the copies. (Former law required two copies of this list to be produced whether or not the copies were requested.) The inspector is authorized to provide either copy of the list to another precinct election officer. (IC 3-7-29-2, as amended by HEA 1844, SECTION 87. Effective July 1, 1997.)



12. A political party is not required to request in the certificate of nomination for the party's state convention candidates that the party's symbol be printed on ballots. Instead, if the political party has previously filed a request with the election division (or any of its predecessor agencies) that the party's ballot symbol be used on ballots, the ballot symbol must be used until the symbol is changed by the political party in accordance with party rules, and a statement concerning use of the new symbol is filed with the election division. A political party or independent candidate may not use a device as a ballot symbol if the symbol has previously been filed with the election division (or any of its predecessor agencies).

No later than noon, August 20, before each election, the state chairman of a political party (or an individual filing a petition of nomination for an independent candidate) must file a camera-ready copy of the ballot symbol for the political party or independent candidate for the best possible reproduction of the device on the ballots. No later than noon, August 20, before each election, the county chairman of a political party (or an individual filing a petition of nomination for an independent candidate) must file a camera-ready copy of the ballot symbol with the appropriate county election board. If the camera-ready copies of the ballot symbols are not filed with the election division or a county election board, the division or board is not required to use the ballot symbol on the ballots that the division or board prints. (IC 3-8-7-11, IC 3-8-7-16, and IC 3-8-7-26, as amended by HEA 1844, SECTIONS 156, 159, and 167. Effective July 1, 1997.)

13. The election division (rather than the Indiana election commission) prints official ballots and sample ballots for the general election upon the certification of political party tickets and independent candidates. The election division prints paper ballots for a public question if the public question is voted on by the entire state, or concerns the retention of a judge of the Indiana court of appeals. (Former law referred to ballots with public questions "voted on in more than one county.") (IC 3-8-7-25, as amended by HEA 1844, SECTION 165. Effective July 1, 1997. IC 3-11-2-1, IC 3-11-4-12, IC 3-11-11-1.5, IC 3-11-11-1.6, IC 3-11-11-1.7, IC 3-11-12-4, IC 3-11-12-5, IC 3-11-12-6, IC 3-11-14-5, IC 3-11-14-6, and IC 3-11-14-7, as amended by HEA 1844, SECTIONS 256, 276, 311-316, 326-328. Effective retroactive to January 1, 1997. IC 3-11-2-4, as amended by HEA 1844, SECTION 257. Effective retroactive to July 1, 1995.)

14. The election division (as well as a county or town election board) may reprint or correct defective ballots on its own determination, or after the Indiana election commission conducts a public hearing to determine if any individual objects to the use of a technically defective ballot. (IC 3-11-2-16, as amended by HEA 1844, SECTION 264. Effective retroactive to January 1, 1997.)

15. The election division (as well as a county or town election board) may print ballots containing the name of a candidate selected to fill an early or late ballot vacancy. If the election division determines that printing these ballots would be impractical, the chairman or committee who appointed the candidate shall provide pasters to the co-directors of the election division.

If a candidate dies (or there is a late candidate vacancy for other reasons) and the candidate's party does not fill the vacancy by noon, five days before the election, the election division shall order the printing of either pasters or reprinted ballots containing the statement "NO CANDIDATE" or "CANDIDATE DECEASED", or words to that effect.

If a candidate vacancy is filled after noon five days before the election, the election division or an election board is not required to reprint ballots or have pasters with the name of a successor candidate printed, but may do so upon the vote of the Indiana election commission or the election board. (IC 3-11-3-29, as amended by HEA 1844, SECTION 271. Effective retroactive to January 1, 1997. IC 3-11-3-29.5, as amended by HEA 1844, SECTION 272. Effective July 1, 1997.)

16. If a candidate changes the candidate's name after ballots have been printed for an election, the candidate shall provide the election division (as well as a county or town election board) with the number of pasters that the election division determines to be necessary for all of the ballots to reflect the change of name. If the candidate declines to do so, the election division is not required to reprint ballots to reflect the change of name. (IC 3-11-3-29, as amended by HEA 1844, SECTION 271. Effective retroactive to January 1, 1997.)

17. The election division or the circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct. (IC 3-11-2-10, as amended by HEA 1844, SECTION 258. Effective retroactive to July 1, 1996.)

18. A county election board, by unanimous vote of the board's entire membership, may print ballots for township offices in any color if the ballot for township offices in each township within the county is not the same color as: (1) any other township ballot within the county; or (2) any ballot for other offices or public questions. (IC 3-11-2-4, as amended by HEA 1844, SECTION 257. Effective retroactive to July 1, 1995.)



19. The call for a precinct committeeman caucus to fill a early ballot vacancy must be on a form prescribed by the Indiana election commission. The declaration of candidacy to fill the ballot vacancy and the certificate of selection filed after the caucus (or after direct appointment by a chairman to fill a late vacancy) must be on forms prescribed by the commission. IC 3-13-1-9, IC 3-13-1-10.5, IC 3-13-1-15, and IC 3-13-2-8, as amended by HEA 1844, SECTIONS 381-382, 384, and 389. Effective July 1, 1997.)

20. The ballot instructions concerning independent tickets are only required to be printed if the ballot contains an independent ticket and at least one other independent candidate. (IC 3-11-2-10, as amended by HEA 1844, SECTION 258. Effective retroactive to July 1, 1996.)

21. The name of a write-in candidate may not be printed on a ballot. (IC 3-11-2-11.5, as added by HEA 1844, SECTION 259. Effective May 13, 1997.)

22. The Lake County election board must post copies of official sample ballots printed by the election division (rather than the Indiana election commission) before election day in various locations. An obsolete provision concerning the posting of official sample ballots in Lake County has been repealed. (The obsolete provision was located in the lever voting machine chapter; Lake County currently uses electronic voting systems, and the chapter applicable to those systems contains an identical provision concerning the posting of official sample ballots.) (IC 3-11-12-16 and IC 3-11-14-7, as amended by HEA 1844, SECTIONS 317 and 329. Effective retroactive to January 1, 1997.)

23. For direct recording electronic voting systems, the instructions for voting a straight party ticket or any required statement concerning votes for presidential electors may be posted at any location within the voting booth that permits the voter to easily read the instructions (rather than on the ballot face). (IC 3-11-2-10, as amended by HEA 1844, SECTION 258. Effective retroactive to July 1, 1996.)

24. Whenever a county has a circuit court or a superior court with more than one division, the county election board shall print the primary and general election ballots with the names of the candidates for nomination or election to these offices on the ballot with each division separate. (IC 3-10-1-19 and IC 3-11-2-12, as amended by HEA 1844, SECTIONS 216 and 260. Effective July 1, 1997.)

25. Candidates for election to at-large seats on a county council, a city-county council, a city council, a town council, or a township board shall be listed alphabetically according to surname within each row or column on the ballot. In each row or column in which the names of the candidates appear, the ballot shall contain a statement reading substantially as follows: "Vote for not more than ____ (insert number of candidates to be elected) candidates of ANY party or ticket for this office." (IC 3-11-2-12.7, as added by HEA 1844, SECTION 261. Effective July 1, 1997.)

26. Candidates for election to at-large seats on a school board shall be listed alphabetically according to surname. The ballot shall contain a statement reading substantially as follows above the name of the first candidate: "Vote for not more than ____ (insert number of candidates to be elected) candidates for this office." (IC 3-11-2-14.5, as added by HEA 1844, SECTION 262. Effective July 1, 1997.)



27. A town election board, with unanimous consent of the board's entire membership, may authorize the printing and reproduction of ballots on equipment under the control of the town clerk-treasurer. These ballots are not required to precisely conform with the state laws setting the specifications for the printing of party symbols or candidate names on ballots, but must otherwise substantially conform with the state laws concerning ballot order and specifications. (IC 3-10-7-32, as amended by HEA 1844, SECTION 235. Effective July 1, 1997.)

28. The election division (rather than the Indiana election commission) shall print and distribute state ballots (and presidential ballots) to the circuit court clerk of each county for use on election day and for absentee ballot voting. The number of ballots provided must: (1) equal 100% of the number of voters of the county if only paper ballots are used; or (2) if a voting system is used, the number of ballots that the election division determines is necessary to meet an emergency in the county. The county election board of a county using lever voting machines must notify the election division (rather than the commission) of the board's estimation of the number of paper state and presidential ballots needed for its precincts.

A person commits a Class D felony by knowingly delivering a ballot to a person other than the co-directors or an authorized representative of the election division. (IC 3-11-3-2, IC 3-11-3-3, IC 3-11-4-12, IC 3-11-4-13, and IC 3-14-3-14, as amended by HEA 1844, SECTIONS 265-266, 276-277, and 403. Effective retroactive to January 1, 1997.)

29. The election division (rather than the Indiana election commission) shall provide a seal for the state and presidential paper ballots provided to the circuit court clerks. The seal may not have the same design for two consecutive elections. (IC 3-11-3-4, as amended by HEA 1844, SECTION 267. Effective retroactive to January 1, 1997.)

30. Each circuit court clerk shall pick up official and sample state (and presidential) paper ballots at a site designated by the election division (rather than the Indiana election commission).

If the clerk fails to pick up the ballots, the election division (rather than the state election board) shall immediately dispatch a messenger to the county with the ballots. Before delivering the ballots, the messenger must take and subscribe an oath, in a form prescribed by the election commission, to safely deliver the ballots in the same condition that the messenger received the ballots. (The former law setting forth the form of this oath has been repealed.) The messenger's oath must be filed with the election division. (IC 3-11-3-6, IC 3-11-3-7, IC 3-11-11-1.5, IC 3-11-11-1.6, IC 3-11-12-4, IC 3-11-12-5, IC 3-11-14-5, and IC 3-11-14-6, as amended by HEA 1844, SECTIONS 268-269, 311-312, 314-315, and 326-327. Effective retroactive to January 1, 1997. IC 3-11-3-8, repealed by HEA 1844, SECTION 475. Effective May 13, 1997.)

31. Not later than the Monday before distributing the ballots and pasters (rather than "at least seven days" before doing so under former law), the county election board shall notify the county chairman of each major political party that sample ballots and pasters are available for inspection. (IC 3-6-5-14, as amended by HEA 1844, SECTION 37. Effective retroactive to January 1, 1997.)

32. The county election board must provide each inspector with the ballots and precinct supplies provided for the inspector's precinct by the election division (rather than the Indiana election commission). (IC 3-11-3-11, as amended by HEA 1844, SECTION 270. Effective retroactive to January 1, 1997.)



33. The affidavit on an absentee ballot secrecy envelope must include a statement that, if the affidavit is signed by the voter's attorney in fact, the attorney in fact affirms that the voter personally marked the ballot in secret and enclosed the ballots in the envelope without showing the ballots to the attorney in fact or any other person. The attorney in fact must attach a copy of the power of attorney to the envelope. (IC 3-11-4-21, as amended by HEA 1844, SECTION 281. Effective July 1, 1997.)

34. A voter who wishes to indicate that the voter's name has changed may indicate the voter's new name on the poll list on election day. (Former law required the voter to complete a separate statement at the polls concerning the name change, and for the statement to be returned to the county voter registration office by the precinct election board. (IC 3-7-41-2 and IC 3-7-41-3, as amended by HEA 1844, SECTIONS 105 and 106. Effective retroactive to July 1, 1996.)



35. The tally papers printed by the county election board for use in tabulating the vote must list political parties and candidates in the same order on the tally sheet as listed on the ballot printed by the county election board. (IC 3-12-4-23, as amended by HEA 1844, SECTION 343. Effective July 1, 1997.)

36. Each precinct election board, at the close of the polls, shall place all affidavits used to determine the eligibility of a precinct election officer, or the eligibility of a person who wishes to cast a ballot, in sealed paper bag or envelope for delivery to the county election board and forwarding to the grand jury. (Former law referred to "all affidavits" being sealed and forwarded to the grand jury.) (IC 3-14-5-2, as amended by HEA 1844, SECTION 408. Effective July 1, 1997.)

37. The election division (rather than the secretary of state under former law) shall retain the certificates and petitions of nomination) for the retention period required under IC 3-10-1-31. (IC 3-8-7-24, as amended by HEA 1844, SECTION 164. Effective retroactive to January 1, 1997.)



38. The campaign finance reports filed by a candidate for an office with a term of *more* than four years (local level judges, for example), are to be retained until the final December 1 before the term of the office expires. (Former law provided that all campaign finance reports were to be kept for four years, and longer if the records were in litigation.) (IC 3-8-7-24, as amended by HEA 1844, SECTION 188. Effective May 13, 1997.)

CAMPAIGN FINANCE



1. Whenever a person solicits a contribution or makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, through a newspaper, a magazine, an outdoor advertising facility, a direct mailing, or any other type of general public political advertising, the person must contain a "disclaimer" identifying whether the communication is paid for and authorized by the candidate or another committee. This requirement does not apply to: (1) a communication relating to an election to a federal office or the outcome of a public question; or (2) a communication in a medium regulated by federal law (radio, television, and electronic mail transmissions, for example).

If a communication is paid for and authorized by a candidate, the candidate's committee, or the committee's agents, the communication must clearly state that the communication has been paid for by the authorized political committee, as in "*Paid for by Citizens for Doe Committee.*"

If a communication is authorized by a candidate, the candidate's committee, or the committee's agents, but paid for by another person, the communication must clearly state that the communication has been paid for by the other persons, and authorized by the candidate or committee, as in "*Paid for by the Little Committee for Good Government, authorized by Citizens for Doe Committee.*"

If a communication is not authorized by a candidate, the candidate's committee, or the committee's agents, the communication must clearly state that the name of the person who paid for the communication and state that the communication is not authorized by any candidate or committee, as in "*Paid for by Mary Smith, concerned citizen, and not authorized by any candidate or committee.*"

For purposes of the "disclaimer" requirement, a candidate is clearly identified if: (1) the name of the candidate appears; (2) a photograph or drawing of the candidate appears; or (3) the identity of the candidate is apparent by unambiguous reference.

The former law regarding the "disclaimer" required on campaign literature and solicitations of contributions has been repealed. (IC 3-9-3-2.5, as added by HEA 1844, SECTION 183, Effective May 13, 1997, IC 3-9-2-10, IC 3-14-1-3, IC 3-14-5-4, and IC 3-14-5-6, as amended by HEA 1844, SECTIONS 179, 400, and 409-410, Effective May 13, 1997, IC 3-9-3-2, IC 3-9-3-3, and IC 3-14-1-4, repealed by HEA 1844, SECTION 475, Effective May 13, 1997.)

2. A member of the general assembly (or a candidate for election to the general assembly) may not solicit or accept campaign contributions, or conduct other fundraising activities during the period beginning when the general assembly convenes in January of each odd-numbered year and ending when that session adjourns sine die. This restriction does not apply to a member of the general assembly (or the candidate's committee of the member) with respect to seeking election to an office other than that of a state legislator.

A person who violates this restriction is subject to a civil penalty to be assessed by the Indiana election commission. The commission shall assess a penalty equal to the greater of: (1) two times the amount of any contribution received; or (2) \$1,000; plus any investigative costs incurred and documented by the election division. (IC 3-9-2-12, as added by HEA 1844, SECTION 180, Effective July 1, 1997, IC 3-9-4-16, as amended by HEA 1844, SECTION 196, Effective July 1, 1997.)



3. A corporation or labor organization may make a contribution to a political action committee if: (1) the contribution does not exceed any statutory limits on contributions under IC 3-9-2-4; and (2) is designated for disbursement to a specific candidate or committee listed in IC 3-9-2-4. (IC 3-9-2-5, as amended by HEA 1844, SECTION 177, Effective May 13, 1997.)

4. A public utility, or any officer of a political subdivision constituting a public utility, may not offer or give to any political committee, candidate for office, or incumbent officeholder, any frank, privilege, or property not available to any other person for a product or service. No political committee, candidate for office, or incumbent officeholder may ask for, or accepts from any public utility, or political subdivision constituting a public utility, any frank, privilege, or property not available to any other person. (IC 8-1-2-102, as amended by HEA 1844, SECTION 424, Effective July 1, 1997.)

5. A national bank or federally chartered corporation must comply with the contribution restrictions applicable to Indiana elections under federal law. (IC 3-9-2-3, as amended by HEA 1844, SECTION 176, Effective July 1, 1997.)

6. The current restrictions prohibiting certain individuals employed by: (1) the Indiana library and historical department, the Indiana state library, or the Indiana historical bureau; (2) the Indiana department of transportation; or (3) the department of natural resources; from soliciting or receiving contributions are codified in the campaign finance act. (IC 3-9-2-13, as added by HEA 1844, SECTION 181, Effective July 1, 1997.)



7. The election division (rather than the Indiana election commission) is required to develop a computer system to store campaign finance reports filed with the division. However, this computer system is not required to be operational before April 1, 1998 (rather than April 1, 1997). No later than April 2, 1998, the computer system is required to make the annual campaign finance reports filed for calendar year 1997 in searchable, digital form available on the Internet. (Former law only required the computer system to identify all candidates and contributors who made or received contributions during 1996.)

During 1999, the computer system is only required to identify candidates and committees who made or received contributions during 1997 and 1998. (Former law required the system in 1998 to identify candidates and committees who made or received contributions during 1996 and 1997.)

Beginning July 1, 1999, the computer system must permit the election division to provide for the electronic submission, retrieval, storage, and disclosure of campaign finance reports of candidates for statewide and state legislative office. The election division (rather than the commission) must make the campaign finance reports stored on the division's computer available through an on-line service.

The Indiana election commission is not required to comply with the state statutes regarding computer system requirements if: (1) the general assembly has not made sufficient appropriations for computer systems; or (2) the budget agency has not made sufficient allotments for the computer systems. (IC 3-9-4-4, as added by HEA 1844, SECTION 186, Effective July 1, 1997, P.L. 4-1996, SECTION 114, as amended by HEA 1844, SECTION 473, Effective retroactive to January 1, 1997, HEA 1844, SECTION 485, Effective July 1, 1997, HEA 1844, SECTION 486, Effective May 13, 1997.)



8. Beginning July 1, 1999, the election division must: (1) provide training at no cost to candidates to enable candidates for statewide or state legislative office to file campaign finance reports electronically; and (2) suggest alternate electronic formats and programs to enable candidates for statewide office and state legislative office to file campaign finance reports electronically. (IC 3-9-4-4, as added by HEA 1844, SECTION 186, Effective July 1, 1997, HEA 1844, SECTION 485, Effective July 1, 1997.)



9. Beginning January 1, 1999, the election division (rather than the Indiana election commission) is required to develop a filing, coding, and cross-indexing system consistent with the purposes of the campaign finance law. The coding system must provide: (1) codes to account for various campaign expenditures; and (2) a clear explanation of the kinds of expenditure items that must be accounted for under each code. The expenditure codes do not apply to reports required to be filed before March 31, 1999. (IC 3-9-4-4, as added by HEA 1844, SECTION 186, Effective July 1, 1997, HEA 1844, SECTION 485, Effective May 13, 1997.)

10. The former statutes requiring the reporting of independent expenditures have been repealed. (IC 3-9-7-2 and IC 3-9-7-3, repealed by HEA 1844, SECTION 476, Effective July 1, 1997.)

11. The election division and a county election board must retain the campaign finance reports filed by a candidate for an office with a term of *more* than four years (local level judges, for example), are to be retained until the final December 1 before the term of the office expires. (Former law provided that all campaign finance reports were to be kept for four years, and longer if the records were in litigation.) (IC 3-9-4-6, as amended by HEA 1844, SECTION 188, Effective May 13, 1997.)

12. A campaign committee treasurer must keep a detailed and exact account of all the information required to be reported under the campaign finance law. (The list of specific records to be kept has been repealed.) A transfer of a contribution to a committee treasurer must include the information about the contribution required to be reported by the treasurer under the campaign finance law. (The list of specific information to accompany the transfer has been repealed.) (IC 3-9-1-23 and IC 3-9-2-9, as amended by HEA 1844, SECTIONS 174 and 178, Effective July 1, 1997.)

13. A campaign committee statement of organization must include any information prescribed by the Indiana election commission (as well as the specific information prescribed by statute.) (IC 3-9-1-4, as amended by HEA 1844, SECTION 171, Effective May 13, 1997.)

14. A committee treasurer must file a notice of the treasurer's acceptance of appointment, along with the committee's campaign finance reports and statements of organization with the election division (rather than the election commission.) A person required to file campaign finance reports under the Federal Election Campaign Act may file supplemental reports and duplicate copies with the election division (rather than the election commission.) A committee treasurer may distribute surplus funds to the election division (rather than the election commission) when the committee disbands.

The election division (rather than the election commission) furnishes prescribed forms for making reports and statements under the campaign finance law, maintains a current list of all statements pertaining to each committee, and retains campaign finance reports for public inspection and copying. The election division (rather than the election commission) shall prepare an annual report containing compilations of all reported contributions and expenditures during the year, and may prepare additional compilations of contributions and expenditures by category of committee, and other special reports.

The election division (rather than the election commission) shall make audits and field investigations from time to time. The election division may request assistance from the state board of accounts in the performance of audits. (IC 3-9-1-12, IC 3-9-4-9, IC 3-9-4-16, and IC 3-9-5-2, as amended by HEA 1844, SECTIONS 172, 191, 196, and 201, Effective July 1, 1997; IC 3-9-1-15, IC 3-9-4-2, IC 3-9-4-5, IC 3-9-4-7, IC 3-9-4-8, IC 3-9-4-10, IC 3-9-4-11, IC 3-9-4-13, IC 3-9-5-3, IC 3-9-5-4, and IC 3-9-5-13, as amended by HEA 1844, SECTIONS 173, 185, 187, 189-190, 192-194, 202-203, and 210, Effective retroactive to January 1, 1997; IC 3-9-4-6, as amended by HEA 1844, SECTION 188, Effective May 13, 1997.)



15. Each campaign finance committee, its treasurer, and each candidate is required to complete a report current and dated 25 days before the "nomination date", 25 days before the general or municipal election, and the annual report required under IC 3-9-5-10. (Former law provided that all reports were to be completed 25 days before "an election.") When a special election occurs, each committee, the committee's treasurer, and each candidate must complete a campaign finance report current as of 25 days before the special election.

The term "nomination date" is defined as: (1) for candidates nominated in a primary election, the date of the primary; and (2) for candidates nominated in a convention, the date of the convention. *[NOTE: The effect of the requirement to complete a report 25 days before the "nomination date" is unclear with regard to legislative caucus committees, political action committees, and regular party committees, since these committees may make contributions and expenditures with regard to candidates nominated in a primary election, a party convention, or by other methods. Likewise, the "nomination date" for a candidate nominated by petition of nomination, declaration of write-in candidacy, or to by a major political party to fill a ballot vacancy is not specified.]* (IC 3-5-2-32.7, as added by HEA 1844, SECTION 11, Effective July 1, 1997. IC 3-9-5-7, as amended by HEA 1844, SECTION 204, Effective July 1, 1997.)

16. An individual becomes a candidate for campaign finance law purposes when the individual, the candidate's committee, or a person acting with the consent of the individual: (1) receives more than \$100 in contributions; or (2) makes more than \$100 in expenditures. (Former law provided that an individual could become a candidate under the campaign finance law by soliciting or accepting any contributions, or by making any expenditures.) (IC 3-5-2-6, as amended by HEA 1844, SECTION 4, Effective retroactive to January 1, 1997.)



17. An individual who files a declaration of candidacy or a declaration of intent to be a write-in candidate, or for whom a certificate of nomination or petition of nomination is filed, must separately sign a statement that the candidate: (1) is aware of the state laws concerning campaign finance and the reporting of campaign finance contributions and expenditures; and (2) agrees to comply with the campaign finance laws. The candidacy and petition forms prescribed by the Indiana election commission must include the dates for filing campaign finance reports and the penalties for late filing of the reports. (IC 3-8-2-2.5, IC 3-8-2-7, IC 3-8-6-12, and IC 3-8-7-8, as amended by HEA 1844, SECTIONS 118, 122, 149, and 154, Effective July 1, 1997.)

18. A candidate for nomination to office in a state convention who becomes a candidate less than 25 days before the convention must file a campaign finance report no later than noon 20 days after the state convention. The candidate's reporting period begins on the date that the individual becomes a candidate, and ends on the day following the adjournment of the state convention. (IC 3-9-5-8, as amended by HEA 1844, SECTION 206, Effective July 1, 1997.)

19. The campaign finance reporting period for a candidate selected to fill a vacancy on the general election ballot begins on the date the individual became a candidate and ends 25 days before the general election. (IC 3-9-5-8.5, as added by HEA 1844, SECTION 207, Effective July 1, 1997.)

20. A caucus to fill a vacant *office* is not considered a "caucus" subject to the campaign finance law. (Former law did not distinguish between a caucus to select a candidate to fill a ballot vacancy and a caucus to fill a vacant office.) (IC 3-5-2-7.5, as amended by HEA 1844, SECTION 5, Effective retroactive to January 1, 1997.)



21. The new classification of "legislative caucus committee" is created. (Formerly, these committees were defined as political action committees.) A legislative caucus committee is an organization: (1) organized by state legislators who belong to the same political party; (2) proposes to influence only the election of candidates to legislative office; and (3) accepts contributions and makes expenditures of more than \$100 during a calendar year. A legislative caucus committee is generally subject to the same restrictions and penalties as other political committees concerning committee organization, campaign contributions and expenditures, and campaign finance reports.

A legislative caucus committee may not solicit or accept campaign contributions or conduct other fundraising activities during the period beginning when the general assembly convenes in January of each odd-numbered year and ending when that session adjourns sine die. (IC 3-5-2-27.3, as added by HEA 1844, SECTION 9, IC 3-9-2-12, as added by HEA 1844, SECTION 180, Effective July 1, 1997. IC 3-5-2-15, IC 3-5-2-37, IC 3-9-1-1, IC 3-9-2-1, IC 3-9-3-1, IC 3-9-4-1, IC 3-9-4-9, IC 3-9-5-1, IC 3-9-5-2, and IC 3-9-5-10, as amended by HEA 1844, SECTIONS 6, 13, 169, 175, 182, 184, 191, 200-201, and 209, Effective July 1, 1997.)

22. The new classification of "national party affiliate committee" is created. (Formerly these committees were defined as political action committees.) A national party affiliate committee is an organization that: (1) is organized or affiliated with a national political party; (2) proposes to influence the election of candidates for federal, state, legislative, or local offices in more than one state; and (3) accepts contributions or makes expenditures of more than \$100 during a calendar year. *[NOTE: References to a "national party affiliate committee" do not appear in any other part of the election code.]* (IC 3-5-2-32.5, as added by HEA 1844, SECTION 10, Effective July 1, 1997.)

23. A reference to the requirement for a campaign committee in existence on July 1, 1977 to file a statement of organization has been repealed as obsolete. (IC 3-9-1-3, as amended by HEA 1844, SECTION 170, Effective May 13, 1997.)

24. A person may file a campaign finance report by electronic mail, if the election division or county election board has the capacity to receive electronic mail. A report filed by electronic mail must be received not later than noon seven days after the date of the report. (IC 3-9-5-7, as amended by HEA 1844, SECTION 205. Effective July 1, 1997.)

25. A campaign finance report that is hand delivered must be received not later than noon seven days after the date of the report (rather than 11 days before the election, as required under former law.) A campaign finance report that is mailed must be postmarked not later than noon seven days after the date of the report (rather than 14 days before the election, as required under former law.) (IC 3-9-5-7, as amended by HEA 1844, SECTION 205. Effective July 1, 1997.)

26. A candidate who holds one office and files a statement of organization for an exploratory committee without indicating that the individual is a candidate for a specific office is required to file a supplemental campaign finance report if the candidate's committee for the office the candidate currently holds spends, transfers in, or transfers out at least \$10,000 before a primary or general election. (IC 3-9-5-9, as amended by HEA 1844, SECTION 208. Effective July 1, 1997.)



27. The treasurer of a candidate's committee must file a supplemental report on a form prescribed by the Indiana election commission concerning large contributions. The report must be filed not later than noon five days before the election. If no large contributions were received, the treasurer of the committee must report that fact.

The report must include: (1) the name and address of the person making the large contribution; (2) if the person is an individual, the person's occupation; (3) the amount of the contribution; and (4) the date the contribution was received by the candidate, the candidate's committee, or the committee's treasurer.

For purposes of this report, a large contribution refers to a contribution of at least \$1,000 received by a candidate, the candidate's committee, or the candidate's committee treasurer not more than 25 days before an election and not less than 5 days before an election. An "election" includes a primary, general, municipal, or special election, and for candidates nominated at a state convention, the state convention. (IC 3-9-5-20, as added by HEA 1844, SECTION 214. Effective July 1, 1997.)

28. The treasurer of a candidate who is defeated at a primary election or state convention, or withdraws or is disqualified before the general election, is not required to file a pre-general election report, but is required to file an annual report the following January. (IC 3-9-5-9, as amended by HEA 1844, SECTION 208. Effective July 1, 1997.)

29. If a political action committee or a regular party committee has not received or made contributions or expenditures, the treasurer of the committee must file a pre-primary and a pre-election report indicating that no contributions or expenditures have been made. (The former law, which provided that campaign finance reports are cumulative during the year, and that if no contributions or expenditures have been made or accepted during the year, the treasurer of the committee files a statement to that effect, now applies only to a candidate's committee.) (IC 3-9-5-16, as amended by HEA 1844, SECTION 213. Effective May 13, 1997.)

30. A legislative caucus committee is not required to file a pre-primary or a pre-election campaign finance report during an odd numbered year. The legislative caucus committee is only required to file an annual report during the following January reporting its activity during the entire odd numbered year. (IC 3-9-5-21, as added by HEA 1844, SECTION 215. Effective July 1, 1997.)

31. A campaign finance report must include information concerning persons who make contributions that exceed the "threshold contribution amount", meaning \$100 for contributions to a candidate's committee, a legislative caucus committee, or a political action committee, or \$200 for contributions to a regular party committee. With regard to persons contributing more than the threshold contribution amount, the campaign finance report must state: (1) the full name of each person; (2) the full mailing address of the person; and (3) if the person contributed at least \$1,000 in a calendar year, the contributor's occupation. (Former law did not require the reporting of information concerning the occupation of a contributor.) (IC 3-9-5-14, as amended by HEA 1844, SECTION 211. Effective July 1, 1997.)

32. The treasurer of a campaign finance committee (or an organization) who receives a contribution on behalf of a candidate or makes an expenditure on behalf of a candidate must report to the candidate's committee all information about a contribution received or an expenditure made on behalf of a candidate that the treasurer of the candidate's committee would be required if the candidate's committee had received the contribution or made the expenditure. (The former law concerning the reporting of this information to another committee in a form prescribed by the commission, the entry of information on the candidate's committee record books, and the reporting in summary form to the commission has been repealed.)

An expenditure is considered to be made on behalf of a candidate if the expenditure is made: (1) in support of a candidate who is specifically identifiable; or (2) in opposition to an opponent of the candidate, and the opponent is specifically identifiable. An expenditure made to inform the members of the organization or for the development of the committee's political party is not considered to be made on behalf of a candidate. A candidate's committee campaign finance report must include information concerning expenditures reported to the candidate's committee by another committee. The campaign finance report must state: (1) the name and address of the other committee; (2) the date and amount of expenditures reported by the other committee; and (3) the purpose of the expenditures reported by the other committee. (IC 3-9-5-14 and IC 3-9-5-15, as amended by HEA 1844, SECTIONS 211-212. Effective July 1, 1997.)

33. A campaign finance report must include information concerning the occupation of an individual who makes loans to a committee of at least \$1,000 in a calendar year. (Former law did not require the reporting of information concerning the occupation of a lender.) (IC 3-9-5-14, as amended by HEA 1844, SECTION 211, Effective July 1, 1997.)

34. The election division (rather than the Indiana election commission) shall notify delinquents to file a statement of organization or a campaign finance report immediately upon receipt of the division's notice. The division must give notice to delinquents not later than 30 days after each election. The division and each county election board is permitted, but not required, to give notice to delinquents at other times.

The election division and each county election board must give notice to persons who file a defective statement or report to make a filing to correct the defect no later than noon five days after receipt of the notice. The election division (rather than the commission) documents investigative costs incurred regarding the defective filing.

The election division and each county election board are required to post a notice of delinquent and defective filers in a public place at or near the commission's or board's office.

The election division is required to mail campaign finance reports to candidates for statewide and state legislative offices, along with a notice stating the date that the campaign finance reports are due. A county election board may send forms and a notice to candidates for local offices, but is not required to do so.

A delinquent filer remains liable for the full amount of any civil penalty permitted by the campaign finance law, notwithstanding any notice of: (1) an upcoming filing deadline; or (2) of delinquency after the filing deadline. The election division (rather than the commission) documents investigative costs incurred regarding the delinquent filing. (IC 3-9-4-14 and IC 3-9-4-16, as amended by HEA 1844, SECTIONS 195-196, Effective July 1, 1997.)



35. The election division shall give notice to any person who files a defective campaign finance report to file an amended report or statement of organization. If the person filing the defective report does not file the amendment by noon five days after being given notice (rather than ten days under former law), the Indiana election commission may assess a civil penalty of \$10 per day after the expiration of the five day period for a maximum penalty of \$100, plus investigative costs documented by the election division (rather than the commission). The civil penalty limit applies to each report separately. (IC 3-9-4-16, as amended by HEA 1844, SECTION 196, Effective July 1, 1997.)



36. The election division shall give notice to any person who is delinquent in filing a campaign finance report or statement of organization to file a report or statement of organization. The Indiana election commission shall assess a civil penalty against a person who fails to file the report or statement by the statutory deadline, with the afternoon of the final date for filing being calculated as the first day. The civil penalty is fixed at \$50 per day, with a maximum penalty of \$1,000, plus investigative costs documented by the election division (rather than the commission). The civil penalty limit applies to each report or statement separately. (IC 3-9-4-16, as amended by HEA 1844, SECTION 196, Effective July 1, 1997.)

37. The investigative costs for other campaign finance violations subject to a civil penalty are documented by the election division (rather than the Indiana election commission.) (IC 3-9-4-16, as amended by HEA 1844, SECTION 196, Effective July 1, 1997.)



38. Each county election board shall give notice to any person who files a defective campaign finance report to file an amended report or statement of organization. If the person filing the defective report does not file the amendment by noon five days after being given notice (rather than ten days under former law), the election board may assess a civil penalty of \$10 per day after the expiration of the five day period for a maximum penalty of \$100, plus investigative costs documented by the election board. The civil penalty limit applies to each report separately. (IC 3-9-4-17, as amended by HEA 1844, SECTION 197, Effective July 1, 1997.)



39. Each county election board shall give notice to any person who is delinquent in filing a campaign finance report or statement of organization to file a report or statement of organization. The county election board shall assess a civil penalty against a person who fails to file the report or statement by the statutory deadline, with the afternoon of the final date for filing being calculated as the first day. The civil penalty is fixed at \$50 per day, with a maximum penalty of \$1,000, plus investigative costs documented by the election board. The civil penalty limit applies to each report or statement separately. (IC 3-9-4-17, as amended by HEA 1844, SECTION 197, Effective July 1, 1997.)

40. A candidate who has been assessed a civil penalty and subsequently files as a candidate for election is relieved of further civil liability if the candidate files the delinquent report from the previous candidacy and pays all outstanding civil penalties for the delinquent report. (The former law providing for an additional \$1,000 fine for failing to file a delinquent report in this case has been repealed.) A person who is assessed a civil penalty for a campaign finance violation and who is subsequently elected to office is subject to the withholding of the civil penalty from the person's salary as an officeholder. (Former law restricted this procedure to certain candidates who had failed to file a previous campaign finance report.) (IC 3-9-4-18, as amended by HEA 1844, SECTION 198, Effective July 1, 1997.)

41. If the Indiana election commission or a county election board finds that the imposition of a civil penalty for a campaign finance violation would be unjust under the circumstances, the commission or board may, by unanimous vote of its entire membership, waive or reduce the penalty to an amount specified by the commission or board. (IC 3-9-4-19, as amended by HEA 1844, SECTION 199, Effective July 1, 1997.)

42. A person who recklessly violates the current law prohibiting the acceptance of excessive contributions by a candidate for Allen County Superior Court commits a Class B misdemeanor, and is subject to a civil penalty to be assessed by the Allen County election board. The election board may assess a penalty of not more than three times the amount of the contribution that exceeds the statutory limit, plus any investigative costs incurred and documented by the board. (Former law did not specify any penalty for violating this limit on contributions.) (IC 3-14-1-10.5, as added by HEA 1844, SECTION 402, Effective July 1, 1997.)

43. The state campaign finance enforcement fund is administered by the election division (rather than the election commission). (IC 3-6-4-1-24, as amended by HEA 1844, SECTION 27, Effective retroactive to January 1, 1997.)

CANDIDATES AND CAMPAIGNING



1. The Indiana election commission (or a county election board) has jurisdiction to resolve any question regarding the eligibility of an individual who has filed as a candidate with the election division or the county election board, respectively. The eligibility question must be set forth in a sworn statement filed by a registered voter of the election district that indicates the facts known to the voter concerning the candidate's eligibility. (Under former law, the circuit court clerk or secretary of state were authorized to check voter registration records, at the request of a county chairman or another candidate for the office, and question filings by a person who is not registered to vote in an election district. A circuit court clerk was also authorized under former law to question the validity of a declaration of candidacy filed with the secretary of state. References in former law to the secretary of state determining the validity of a request to be placed on the presidential primary ballot have also been repealed.)



The commission or county election board shall (rather than "may" under former law) deny a filing if the commission or board determines that the candidate has not complied with a requirement set forth in the federal Constitution, the Indiana constitution, or the Indiana election code applicable to the candidate. An error made by the election division or a circuit court clerk does not invalidate a candidate filing.

In resolving a questioned declaration of candidacy, the commission is not required to comply with the notice requirements of the Administrative Orders and Procedures Act (IC 4-21.5). Instead, the election division must give the best possible notice of the commission's meeting to a person that the election division identifies as an interested party. Unless a written objection concerning notice is filed with the election division before the end of the commission meeting, a candidate's appearance in person or by counsel constitutes an admission that adequate notice of the meeting has been given. (IC 3-8-1-1, IC 3-8-1-1.5, IC 3-8-1-2, IC 3-8-2-18, IC 3-8-3-3, as amended by HEA 1844, SECTIONS 110, 111, 113, 129, and 134, Effective July 1, 1997, IC 3-13-1-10.5 and IC 3-13-2-11, as amended by HEA 1844, SECTIONS 386 and 391, Effective retroactive to January 1, 1997.)

2. The Indiana election commission shall act to resolve questions concerning the validity of a request to be placed on the presidential primary ballot no later than the deadline for resolving questions regarding the validity of candidates seeking nomination to an office at the primary election. (Former law did not specify a deadline for resolving questions regarding presidential primary candidates.) IC 3-8-3-7, as amended by HEA 1844, SECTION 138, Effective July 1, 1997.)

3. An individual who is defeated in a primary or at a convention for nomination as candidate for U.S. representative from one Indiana district is not eligible to be a candidate for U.S. representative from another Indiana congressional district during the same year. This "sore loser" rule does not apply to a candidate for a presidential nomination who is defeated in the Indiana presidential primary. IC 3-8-1-5.5, as amended by HEA 1844, SECTION 115, Effective July 1, 1997.)

4. A candidate who seeks the presidential nomination of a major political party must file a request with the election division to be placed on the primary ballot during the same period that an individual may file a declaration of candidacy for any other nomination to be made at the primary election. (Former law provided that the "written" request could be filed with the secretary of state no earlier than 90 days and no later than noon 60 days before the primary, and did not specifically restrict this procedure to major party candidates.)

As an alternative, a presidential primary candidate may file the request for ballot placement with the secretary of state, who shall immediately forward the request to the election division. However, a request filed on the final day must be filed with the secretary of state. A request filed with the secretary of state is subject to the same procedures and requirements as a request filed with the election division.

A request for placement on the presidential primary ballot must be accompanied by a petition for placement signed by registered voters and previously submitted to the appropriate county voter registration office. The final date for filing the petition with a county voter registration office for certification is noon ten days before the final date for filing a declaration of candidacy (rather than noon 70 days before the primary election under former law.) (IC 3-8-3-1, IC 3-8-3-4, and IC 3-8-3-5, as amended by HEA 1844, SECTIONS 133 and 135-136. Effective July 1, 1997.)

5. A candidate who files a petition of nomination or declaration of intent to be a write-in candidate for governor must include the name of a running mate for lieutenant governor on the petition or declaration. (IC 3-8-1-9.5, as amended by HEA 1844, SECTION 116. Effective July 1, 1997.)

6. A declaration of candidacy for nomination at a primary election may not be made by facsimile transmission. (IC 3-8-2-11, as amended by HEA 1844, SECTION 123. Effective July 1, 1997.)

7. A declaration of candidacy for nomination to a federal, statewide, or state legislative office is not valid unless received in the office of the election division by noon 74 days before an election. A declaration of candidacy made by mail is considered filed as of the date and hour the declaration is received by the election division. (Former law referred to the secretary of state, rather than the election division). *[NOTE: Notwithstanding IC 3-8-2-11, HEA 1844-1997 did not amend IC 3-8-2-5, which requires that a declaration of candidacy for these offices be filed with the secretary of state.]* (IC 3-8-2-11, IC 3-8-2-17, and IC 3-8-2-20, as amended by HEA 1844, SECTIONS 123, 128, and 131. Effective July 1, 1997.)

8. The election division (rather than the secretary of state under former law), or the county election board (rather than the circuit court clerk) shall indicate in the division's records or the board's records that a declaration of candidacy has been withdrawn. (Former law required the secretary of state or circuit court clerk to remove the declaration "from the files" after the candidate withdrew.) (IC 3-8-2-21, as amended by HEA 1844, SECTION 132. Effective July 1, 1997.)

9. An obsolete statute referring to a method for filling a candidate vacancy on the primary election ballot prior to the primary election has been repealed. (The statute authorizing the vacancy filling method referred to in this statute was repealed in 1987.) (IC 3-8-2-22, repealed by HEA 1844, SECTION 475. Effective May 13, 1997.)

10. A candidate for state legislative office is required to file a statement of economic interests before filing a declaration of candidacy or petition of nomination, or before a certification of the candidate's nomination or selection is filed. (Former law contained conflicting provisions regarding this deadline.) An officer receiving a declaration of candidacy shall require the candidate to produce a receipt showing that the statement of economic interest had been filed before the officer accepts the declaration for filing. (IC 2-2.1-3-2, as amended by HEA 1844, SECTION 2. Effective retroactive to May 10, 1995; IC 3-8-2-11, as amended by HEA 1844, SECTION 12. Effective July 1, 1997.)

11. An individual is disqualified as a candidate for a judicial office or as prosecuting attorney if the individual has been removed by the Indiana supreme court from that judicial office or as prosecuting attorney. An individual is disqualified as a candidate if the individual is a member of the armed forces on active duty and is prohibited by the U.S. Department of Defense from being a candidate. (IC 3-8-1-5, as amended by HEA 1844, SECTION 114. Effective July 1, 1997.)

12. A candidate for election as clerk of the supreme court is required to file a statement of economic interests with the commission on judicial qualifications before filing a declaration of candidacy for nomination by the state convention of a party. A candidate for *appointment* to the vacant office of justice, judge, prosecuting attorney, or clerk of the supreme court is not required to file a statement of economic interests with the commission on judicial qualifications when under consideration for the appointment. (IC 33-2.1-8-6 and IC 33-2.1-8-7, as amended by HEA 1844, SECTIONS 444-445. Effective July 1, 1997.)

13. A candidate for election to the Allen County superior court must file a petition of nomination with the Indiana election division (rather than a nominating petition with the Allen County circuit court clerk). The declaration must be on a form adapted from the declaration of candidacy for a primary candidate. If a candidate does not specify the division and the name of the incumbent judge of the judgeship that the candidate seeks, the election division or the Indiana election commission shall reject the declaration of candidacy. (IC 33-5.5.1-29, as amended by HEA 1844, SECTION 446. Effective July 1, 1997.)

14. A candidate for election to the Vanderburgh County superior court must file a petition of nomination with the Indiana election division (rather than a nominating petition with the Allen County circuit court clerk). The declaration must be on a form adapted from the declaration of candidacy for a primary candidate. If a candidate does not specify the division and the name of the incumbent judge of the judgeship that the candidate seeks, the election division or the Indiana election commission shall reject the declaration of candidacy. (IC 33-5-43.2-1, as amended by HEA 1844, SECTION 447. Effective July 1, 1997.)

15. A declaration of candidacy for nomination to local office in a primary election, or for precinct committeeman or state convention delegate, must be filed in the office of the county election board located in the county seat. In Lake County, these declarations must be filed with the chief deputy of the combined election board and board of registration. (Former law required these declarations to be filed with the circuit court clerk.) (IC 3-8-2-6, and IC 3-8-2-20, as amended by HEA 1844, SECTIONS 121 and 131. Effective July 1, 1997.)

16. A candidate for election to a school board must have resided within the school corporation at least a year before the election unless a longer period is required under the provisions in IC 20 governing the school corporation. If the candidate seeks to represent an election district that consists of less than the entire school corporation, the candidate must have resided in that election district at least a year before the election unless a longer period is required under IC 20. (IC 3-8-1-34, as amended by HEA 1844, SECTION 117. Effective July 1, 1997.)

17. An individual may not file both a declaration of candidacy for nomination at a primary election as well as a petition of nomination for a school board office that is elected at a primary election. If an individual files both a declaration of candidacy as a primary candidate and a petition of nomination for a school board office, the county election board shall: (1) determine which document was filed most recently; and (2) consider the previously filed document to have been withdrawn. (IC 3-8-2-15, as amended by HEA 1844, SECTION 127. Effective July 1, 1997.)

18. In every case, a petition of nomination must be signed by a number of registered voters equal to 2% of the vote cast for secretary of state in the last election held within the election district for that office. (The petition is no longer required to be signed by a minimum of five voters if the 2% formula would result in a signature requirement of less than five voters.)

In determining the number of signatures required under the 2% formula, any fraction in excess of a whole number is disregarded. IC 3-8-6-3, as amended by HEA 1844, SECTION 145. Effective July 1, 1997.)

19. A candidate nominated by a petition of nomination must state the candidate's given name and surname on the petition in the same form as set forth in the candidate's voter registration record. The candidate may also include initials or a nickname on the petition, so long as the initials or nickname does not exceed 20 characters. The candidate may not use a designation such as a title or degree, or a nickname that implies a title or degree. IC 3-8-6-5, as amended by HEA 1844, SECTION 146. Effective July 1, 1997.)

20. A candidate who files a petition of nomination and who claims affiliation with a political party that: (1) is a major political party or is entitled to nominate candidates by state convention; (2) has already filed a petition of nomination to nominate candidates; or (3) with a name which would result in voter confusion due to the name's similarity with that of another political party may have the validity of the individual's filing challenged by a registered voter of the appropriate election district. The Indiana election commission or county election board shall determine the validity of the individual's filing in this situation.

A petition of nomination may be amended by a joint petition signed by all candidates named on the petition to alter the name of the political party with which the candidates claim affiliation or to declare that the candidates are independent. This amendment may be made after the deadline for filing as a write-in candidate, but no later than the deadline for the commission or county election board to rule on any challenge to the candidates under this provision. If the commission or county election board determines that the write-in candidate's party affiliation would violate the restrictions set forth above, and that the candidate has not filed an amendment regarding the candidate's party affiliation, the commission or county election board shall deny the filing. IC 3-8-6-5.5, as added by HEA 1844, SECTION 147. Effective July 1, 1997.)

21. The Indiana election commission or a county election board shall rule on the validity of a challenged petition of nomination no later than noon 60 days before the general election (rather than by noon August 20). This deadline does not apply to a petition of nomination for a school board office to be elected at the same time as the primary election. IC 3-8-6-14, as amended by HEA 1844, SECTION 150. Effective July 1, 1997.)

22. If a candidate listed on a petition of nomination ceases to be a candidate after the petitions are circulated or filed, the candidate may be replaced in some cases.

If the candidate sought a federal, state, or state legislative office, the state chairman of the political party of the candidate may file a statement with the election division stating that the candidate has been replaced by another individual. The state chairman's statement must be accompanied by the replacement candidate's written consent and the consent of all other candidates listed on the petition. If the former candidate withdrew, the candidate's statement of withdrawal must also accompany the state chairman's filing. If the candidate sought a local office, the county, city, or town chairman of the party must file the written statement with the appropriate county or town election board. In all cases, the statement concerning a replacement candidate must be filed no later than the date for the certification of presidential and vice-presidential nominees under IC 3-10-4-5 (noon September 1).

A replacement candidate cannot be substituted for an independent candidate who circulated or filed a petition of nomination and subsequently withdrew. IC 3-8-6-17, as amended by HEA 1844, SECTION 151. Effective July 1, 1997.)

23. An individual may file a declaration of intent to be a write-in candidate no later than noon five days before the final date for the delivery of absentee ballots to a county election board [a total of 50 days before general election day]. (Former law permitted an individual to file as a declared write-in candidate no later than noon 74 days before general election day.)

An individual may withdraw as a write-in candidate no later than noon on the final date to file as a declared write-in candidate. (Former law permitted a write-in candidate to withdraw no later than noon seven days before election day.) IC 3-8-2-2.7 and IC 3-8-2-4, as amended by HEA 1844, SECTIONS 119-120. Effective July 1, 1997.)

24. An individual who files a declaration of intent to be a write-in candidate and who claims affiliation with a political party that: (1) is a major political party or is entitled to nominate candidates by state convention; (2) has already filed a petition of nomination to nominate candidates; or (3) with a name which would result in voter confusion due to the name's similarity with that of another political party may have the validity of the individual's filing challenged by a registered voter of the appropriate election district. The Indiana election commission or county election board shall determine the validity of the individual's filing in this situation.

A write-in candidate may amend the candidate's filing to alter the name of the political party with which the candidate claims affiliation or to declare that the candidate is independent. This amendment may be made after the deadline for filing as a write-in candidate, but no later than the deadline for the commission or county election board to rule on any challenge to the candidate under this provision. If the commission or county election board determines that the write-in candidate's party affiliation would violate the restrictions set forth above, and that the candidate has not filed an amendment regarding the candidate's party affiliation, the commission or county election board shall deny the filing. IC 3-8-2-12.5, as added by HEA 1844, SECTION 125. Effective July 1, 1997.)



25. The call for a precinct committeeman caucus to fill a early ballot vacancy must: (1) be on a form prescribed by the Indiana election commission; and (2) be filed at least ten days before the meeting with the office or official entitled to receive the certificate of selection after the caucus (the election division or the circuit court clerk).

A declaration of candidacy for the caucus must: (1) be on a form prescribed by the Indiana election commission; and (2) be filed at least ten days before the meeting with the office or official entitled to receive the certificate of selection after the caucus (the election division or the circuit court clerk). IC 3-13-1-9 and IC 3-13-1-10.5, as amended by HEA 1844, SECTIONS 381-382. Effective July 1, 1997.)

26. If no individual is eligible to participate in filling a candidate for a local office (not just a town office under former law), the county chairman entitled to call the vacancy filling caucus shall fill the candidate vacancy directly. Under former law, the county chairman appointed a voter, with the voter then filling the candidate vacancy. IC 3-13-1-13, as amended by HEA 1844, SECTION 383. Effective July 1, 1997.)

27. The chairman of the caucus to fill the candidate vacancy (or the chairman entitled to directly fill a late vacancy) shall file a certificate of selection on a form prescribed by the commission.

The certificate shall be filed with the election division (rather than the secretary of state) if the candidate vacancy is for judge of a circuit, superior, probate, county, or small claims court. (Former law provided that the certificate of selection for candidates for all judgeships except circuit court were to be filed with the circuit court clerk.) IC 3-13-1-15 and IC 3-13-2-8, as amended by HEA 1844, SECTIONS 384 and 389. Effective July 1, 1997.)



28. The certificate of selection to fill a candidate vacancy occurring due to the failure of any candidate to run in a primary election must be filed no later than noon, August 4. The certificate from a caucus to fill any other type of vacancy, including a late ballot vacancy, must be filed no later than three days (excluding Saturdays and Sundays) after selection of the candidate.

IC 3-13-1-15 and IC 3-13-2-8, as amended by HEA 1844, SECTIONS 384 and 389. Effective July 1, 1997.)

29. A political party entitled to nominate by convention, but not to conduct a primary election (currently the Libertarian Party) may fill a candidate vacancy. The candidate vacancy shall be filled by the state committee of the party, and the state chairman must file a certificate of candidate selection. If the vacancy occurs due to the failure of the party convention to nominate a candidate for an office, the certificate of selection must be filed no later than noon August 4 before general election day. If the vacancy occurs for other reasons, the certificate of selection must be filed no later than three days (excluding Saturdays and Sundays) after selection of the candidate. The remaining provisions of the early candidate vacancy filling chapter applies to major political party candidates.

A late ballot vacancy on the party's ticket shall be filled by the state committee of the political party, with the state chairman certifying the candidate selected to fill the vacancy. IC 3-13-1-1, as amended by HEA 1844, SECTION 380. Effective July 1, 1997. IC 3-13-1-20 and IC 3-13-2-12, as added by HEA 1844, SECTIONS 388 and 392. Effective July 1, 1997.)

30. A candidate for city court judge in Lake County must reside in the *city* upon filing a declaration of candidacy in a primary or upon filing a petition of nomination as an independent or minor party candidate. (Former law only required a candidate for city judge in Lake County in a primary election to be a registered voter within Lake County by the deadline for filing a declaration of candidacy in the primary. Former law also provided that a city court judge candidate in Lake County who wished to be placed on the ballot by petition of nomination to be a registered voter in Lake County by the deadline for filing the petition). A candidate for city court judge in Lake County who is selected to fill an early or late ballot vacancy is only required to reside within the *county* where the city is located when the certificate of candidate selection is filed. (IC 3-8-1-28.5, as amended by HEA 1072, SECTION 1. Effective July 1, 1997; IC 3-8-1-1.5, as amended by HEA 1844, SECTION 111. Effective July 1, 1997.)

31. A candidate for city court judge in a second class city (other than a city in St. Joseph County) must reside in the *city* upon filing a declaration of candidacy in a primary or upon filing a petition of nomination as an independent or minor party candidate. A candidate for city court judge in a second class city who is selected to fill an early or late ballot vacancy is only required to reside within the *county* where the city is located when the certificate of candidate selection is filed. **NOTE: Notwithstanding HEA 1072-1997, IC 3-8-1-1 still requires a candidate for city judge in a second class city (other than a city in Lake County or St. Joseph County) to be a registered voter of the city not later than the deadline for filing the declaration of candidacy or petition of nomination.** (IC 3-8-1-28.5, as amended by HEA 1072, SECTION 1. Effective July 1, 1997; IC 3-8-1-1, as amended by HEA 1844, SECTION 110. Effective July 1, 1997.)

32. A candidate for city court judge in a third class city must reside in the *city* upon filing a declaration of candidacy in a primary or upon filing a petition of nomination as an independent or minor party candidate. (Former law only required a candidate for city judge in a third class city in a primary election to be a registered voter within the county by the deadline for filing a declaration of candidacy in the primary. Former law also provided that a city court judge candidate in a third class city who wished to be placed on the ballot by petition of nomination to be a registered voter in the county by the deadline for filing the petition). A candidate for city court judge in a third class city who is selected to fill an early or late ballot vacancy is only required to reside within the *county* where the city is located when the certificate of candidate selection is filed. (IC 3-8-1-28.5, as amended by HEA 1072, SECTION 1. Effective July 1, 1997; IC 3-8-1-1.5, as amended by HEA 1844, SECTION 111. Effective July 1, 1997.)

33. The former law concerning restrictions on polltaking in college and university student housing was reenacted. (The former law was inadvertently repealed after the expiration of the deputy registrar law in 1995). An organization or individual conducting a poll in college or university student housing must: (1) provide the university with information concerning the identity of the polltakers; (2) conduct the polling within limited hours; (3) comply with university policies restricting visitation by individuals of the other gender in student housing living areas; and (4) carry credentials and other identification while conducting the poll. (IC 3-6-11-2.5, IC 3-6-11-2.6, and IC 3-6-11-2.7, as added by HEA 1844, SECTIONS 51, 52, and 53. Effective July 1, 1997.)

34. For purposes of the current law restricting the publication of unauthorized slates, and requiring the filing of a slate with a county election board, a "slate" is defined as a "sample ballot, reproduction of an official ballot, or a listing of candidates... that expresses support for more than one (1) of the candidates set forth on the ballot or list." IC 3-14-1-2, as amended by HEA 1844, SECTION 399. Effective July 1, 1997.)

35. The current law prohibiting a police officer or firefighter from soliciting votes or campaign funds, or performing other election related functions while in uniform does not apply to: (1) a police officer or firefighter from consenting to the use of a photograph of the individual wearing his or her uniform as part of an advertisement in support of a candidate or political party; or (2) an individual serving as a pollbook holder under current law. IC 3-14-1-6, as amended by HEA 1844, SECTION 401. Effective July 1, 1997.)



36. A person commits "electioneering" within polls or within 50 feet of the entrance to the polls if the person expresses support or opposition to any candidate or political party or expresses approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. (IC 3-14-3-16, as amended by HEA 1844, SECTION 405. Effective July 1, 1997.)

CERTIFICATION, CANVASSING, AND RECOUNTS

1. The election division (rather than the secretary of state under former law) must hand deliver or mail a statement to an individual who has filed a declaration of candidacy for nomination in a primary election. The statement must state the office for which the individual is a candidate and the date on which the declaration was filed. (IC 3-8-2-12, as amended by HEA 1844, SECTION 124. Effective July 1, 1997.)

2. Immediately after the deadline for filing a declaration of candidacy for nomination in a primary election, the election division (rather than the secretary of state under former law) shall certify a list of primary election candidates, along with a list of candidates whose declarations have been questioned in accordance with the revised candidate eligibility determination procedure under IC 3-8-1-2. These lists are to be immediately released to the public. (IC 3-8-2-13, as amended by HEA 1844, SECTION 126. Effective July 1, 1997.)

3. Immediately after the deadline for filing a request for placement on the presidential primary ballot, the election division (rather than the secretary of state under former law) shall certify a list of presidential primary candidates, along with a list of candidates whose requests have been questioned in accordance with the revised candidate eligibility determination procedure under IC 3-8-1-2. These lists are to be immediately released to the public. (IC 3-8-3-6, as amended by HEA 1844, SECTION 137. Effective July 1, 1997.)

4. At least 60 days before a primary election, the election division (rather than the secretary of state under former law) shall transmit to each county election board (rather than the circuit court clerk under former law) a list of all individuals who have filed a declaration of candidacy with the election division, and for whom voters may vote at the primary. The same procedure is now required for certifying the names of presidential primary candidates to a county election board. (Former law required this list to be certified by the secretary of state at least 53 days before the primary to the circuit court clerks.)

If the Indiana election commission determines that the certified list should be amended to add or remove the name of a candidate, the election division shall, as soon as practicable after the commission's determination, transmit an amendment to the certified list to the appropriate county election boards. (IC 3-8-2-17 and IC 3-8-3-8, as amended by HEA 1844, SECTIONS 128 and 139. Effective July 1, 1997.)

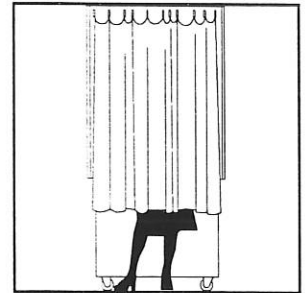
5. After receipt of the certified list of primary election candidates from the election division, the county election board shall publish a legal notice of the primary election. The legal notice must include the following information not required under former law: (1) the name of each presidential primary candidate; (2) the name and address of each candidate for school board office to be elected at the same time as the primary; and (3) the text of any public question to be placed on the ballot at the same time as the primary.

No later than noon, ten days before election day, the county election board is required to file a copy of the information in the legal notice: (1) with the election division; and (2) in the minutes of the county election board.

If the election division provides a county election board with an amendment to the certified list of primary candidates, the county election board is only required to file a copy of the amendment in the election board's minutes. The election board is not required to publish an additional legal notice concerning the amendment if: (1) the information for the legal notice has already been compiled; or (2) the election board determines it would be impractical to recompile completely revised information. (IC 3-8-2-19, as amended by HEA 1844, SECTION 130. Effective July 1, 1997.)

6. When a declared write-in candidate for a statewide or state legislative office withdraws, the election division of the secretary of state's office shall issue a corrected certification of write-in candidates as soon as practicable after the declaration is withdrawn. (IC 3-8-2-2.7, as amended by HEA 1844, SECTION 119. Effective July 1, 1997.)

7. No later than noon Monday after a presidential primary (rather than the following Tuesday under former law), each circuit court clerk shall send the election division (rather than the secretary of state) a complete copy of the presidential primary returns. The election division (rather than the secretary of state) tabulates these returns and promptly certifies the winner of the presidential primary to the appropriate state chairman. (IC 3-8-3-9 and IC 3-8-3-10, as amended by HEA 1844, SECTIONS 140 and 141. Effective July 1, 1997.)



8. No later than Monday after a primary election, each circuit court clerk shall send by certified mail or hand deliver to the election division (rather than the secretary of state) a complete copy of the primary election returns for candidates required to file a declaration of candidacy with the election division or for whom a certificate of nomination must be filed with the election division. (IC 3-10-1-33, as amended by HEA 1844, SECTION 217. Effective July 1, 1997.)

9. No later than noon Monday after a primary election (rather than within 20 days under former law), each circuit court clerk shall furnish the election division (rather than the secretary of state) with a complete list of all candidates nominated at the primary election. (IC 3-8-7-5, as amended by HEA 1844, SECTION 153. Effective July 1, 1997.)

10. No later than noon Monday after a primary election (rather than within 20 days under former law), each circuit court clerk shall furnish the election division (rather than the secretary of state) with a complete list of all state convention delegates elected at the primary. (IC 3-8-4-5, as amended by HEA 1844, SECTION 144. Effective July 1, 1997.)

11. The election division (rather than the secretary of state) shall conduct a canvass of the votes cast for primary election candidates required to file a declaration of candidacy with the election division. The canvass must be conducted no later than the second Wednesday following a primary election conducted in a general election year (rather than at 10 a.m. on the second Friday after the primary). (IC 3-10-1-34, as amended by HEA 1844, SECTION 218. Effective July 1, 1997.)

12. After a county voter registration office has certified a petition of nomination, the voter registration office may, at the request of a candidate named in the petition, return the original petition for the candidate to file with the appropriate official for placement on the general election ballot. (Former law did not authorize this procedure. If the candidate does not request the original certified petition, the county voter registration office must file the petition with the official authorized to place the candidate on the general election ballot. IC 3-8-6-10, as amended by HEA 1844, SECTION 148. Effective July 1, 1997.)

13. No later than noon August 1, a certificate of nomination for a statewide office must be filed with the election division (rather than the secretary of state under former law). No later than noon August 20, the election division (rather than the secretary of state) shall certify the certificate of nomination to the county election board. (IC 3-8-7-12 and IC 3-8-7-14, as amended by HEA 1844, SECTIONS 157-158. Effective July 1, 1997.)

14. No later than noon August 20 after a primary election, the election division (rather than the secretary of state) shall certify the results of the primary election for the nomination of candidates to federal, state, and state legislative offices, and for local offices who are required to file a declaration of candidacy with the election division under IC 3-8-2 (rather than candidates for local offices with an election district located in more than one county, as provided under former law). The election division shall transmit this certification to the county election board (rather than to the circuit court clerk under former law) as the certification of nomination for these candidates. (IC 3-8-7-2, IC 3-8-7-9, and IC 3-8-7-16, as amended by HEA 1844, SECTIONS 152, 155, and 159. Effective July 1, 1997.)

15. No later than noon August 20 before a general election, the election division (rather than the secretary of state) shall certify the text of any statewide public question (such as the ratification of a proposed state constitutional amendment) to each county election board (rather than to the circuit court clerk). The county election board (rather than the circuit court clerk) must publish a legal notice concerning the election to vote on the public question. (IC 3-10-3-1, as amended by HEA 1844, SECTION 222. Effective July 1, 1997.)

16. No later than noon September 1 before a presidential election, the state chairman of a political party or an independent candidate nominated by petition must certify the names of the party or ticket's candidates for presidential electors, and the party or ticket's nominees for President and Vice-President of the United States to the election division (rather than to the secretary of state). (IC 3-10-4-5, as amended by HEA 1844, SECTION 223. Effective July 1, 1997.)

17. No later than noon 60 days before the general election (rather than by noon September 2 under former law), the election division (rather than the secretary of state) shall certify the nominees for President and Vice-President of the United States to each county election board (rather than to the circuit court clerk under former law). (IC 3-8-7-16, as amended by HEA 1844, SECTION 159. Effective July 1, 1997.)

18. The election division may not certify the name of a candidate who wishes to decline a nomination. The election division or a county election board may not print the name of the candidate on the ballot.

A candidate who wishes to decline a nomination must submit a sworn statement of withdrawal in a form prescribed by the Indiana election commission. The declination must be filed with the election division (or a county election board, if appropriate). Under former law, this declination was filed with the secretary of state and was required to have a certificate of acknowledgment attached to the notice. (IC 3-8-7-17, as amended by HEA 1844, SECTION 160. Effective July 1, 1997.)

19. A candidate nominated by more than one political party, (or as an independent candidate and as the nominee of a political party) must file an election to choose only one of the nominations. The election must be filed in the office where a declaration of candidacy for the office sought must be filed under IC 3-8-2, or where a certificate of nomination for the office is filed following a state convention. (Former law required filing this election in multiple counties if the office sought had an election district containing more than one county.) If the candidate does not make the election, or does not designate the ballot symbol that the candidate wishes, the election division (rather than the secretary of state) makes the election for the person and designate the appropriate ballot symbol. IC 3-8-7-21 IC 3-8-7-22, and IC 3-8-7-23, as amended by HEA 1844, SECTIONS 161-163. Effective July 1, 1997.)

20. A candidate who wishes to change a candidate's name may, before the absentee ballots for the general election have been printed, file a statement with the office where a declaration of candidacy or certificate of nomination for the office must be filed, setting forth the former and current name of the candidate. The statement must also indicate that the candidate has previously filed a name change request with the county voter registration office to reflect the current name of the candidate, so that the names on the county voter registration and on the ballot will be identical. (IC 3-8-7-25.5, as amended by HEA 1844, SECTION 166. Effective July 1, 1997.)

21. No later than noon of the final date before the final date for the delivery of absentee ballots [46 days before the general election] (rather than "as soon as practicable" under former law), the election division (rather than the secretary of state) shall certify the names of all individuals who have filed as declared write-in candidates with the election division. (NOTE: HEA 1844-1997 did not amend IC 3-8-2-2.5 (a) or IC 3-8-2-5 to provide for the filing of a declaration of intent to be a write-in candidate with the election division.) (IC 3-8-7-30, as amended by HEA 1844, SECTION 168. Effective July 1, 1997.)



22. The election division (rather than the secretary of state) shall furnish each circuit court clerk with a certified list of the name and address of each candidate selected to fill a ballot vacancy. However, if the certificate of selection has been questioned under IC 3-8-1-2, the election division shall indicate on the certified list that the candidate's name is not to be printed on the ballot until the question is resolved by the commission or a court with jurisdiction in the matter. (IC 3-13-1-16 and IC 3-13-2-9, as amended by HEA 1844, SECTIONS 385 and 390. Effective July 1, 1997.)

23. A candidate vacancy in a small town on a political party which nominates candidates by petition (rather than by town convention) shall be filled by the town chairman of the party filing a certificate of selection (rather than another petition of nomination under former law) no later than the date and hour that a certificate of nomination must be filed following a town convention (rather than by noon August 1 under former law). (IC 3-13-1-18, as amended by HEA 1844, SECTION 387. Effective July 1, 1997.)

24. No later than ten days before a general election, the county election board (rather than the circuit court clerk) shall publish a legal notice of the general election. No later than noon ten days before election day, the county election board shall file a copy of the information in the legal notice: (1) with the election division; and (2) in the minutes of the county election board. (IC 3-10-2-2 and IC 36-4-1-4, as amended by HEA 1844, SECTIONS 219 and 453. Effective July 1, 1997.)



25. If a voter votes a straight-party ticket for more than one political party, the whole ballot is void with regard to all candidates nominated by a political party or designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid. (IC 3-12-1-7, as amended by HEA 1844, SECTION 339. Effective July 1, 1997.)

26. A write-in vote cast at a precinct on a ballot card secrecy envelope is not valid unless: (1) the secrecy envelope is initialed by both poll clerks; and (2) the write-in vote includes both the name of the candidate and the office for which the write-in vote is cast. (IC 3-11-13-28.7, as amended by HEA 1844, SECTION 323. Effective July 1, 1997.)



27. The general rule that a write-in vote cast for an individual whose name appears on the ballots as a candidate for that office shall be counted as a vote for the candidate does not apply to an office for which more than one individual may be nominated or elected within the same election district. (IC 3-12-1-7, as amended by HEA 1844, SECTION 338. Effective July 1, 1997.)

28. If a ballot card has been cast as an absentee ballot, and the stub has been detached from the ballot card, but the stub and ballot card have both been sealed within the absentee ballot secrecy envelope, the ballot card shall be counted if the ballot card would otherwise be a valid ballot. (IC 3-11-13-34.5, as added by HEA 1844, SECTION 324. Effective July 1, 1997.)

29. In a county using the central count procedures to process absentee ballots, the absentee ballot counting teams must process votes cast on ballots printed by the election division (rather than the election commission) before processing other ballots. (IC 3-11-5-4, as added by HEA 1844, SECTION 324. Effective July 1, 1997.)

30. The software or source code of a ballot card voting system or an electronic voting system may not be changed while an election is being conducted or during the canvassing of election results. (IC 3-11-15-54, as added by HEA 1844, SECTION 332. Effective July 1, 1997.)

31. If an automatic tabulating machine for a ballot card voting system fails during the counting and tabulation of votes following the close of the polls, the county election board shall immediately arrange for the repair and proper functioning of the system. The county election board, by unanimous vote of the board's entire membership, may authorize the use of another automatic tabulating machine approved for use in Indiana by the election commission: (1) until the repair and retesting of the malfunctioning machine; and (2) whether or not the machine was pre-tested before election day. (IC 3-12-3-5, as amended by HEA 1844, SECTION 341. Effective July 1, 1997.)

32. The current standards regarding the designation of central counting location for ballot cards has been codified in state statute. The existing administrative rules governing this process have been voided. (IC 3-12-3-2.5, as added by HEA 1844, SECTION 340. Effective July 1, 1997. HEA 1844, SECTION 478. Effective July 1, 1997.)

33. The county election board shall tabulate the vote for: (1) a political party office, such as precinct committeeman or state convention delegate; and (2) all local or school board offices with an election district entirely within the county, other than an office for which a declaration of candidacy must be filed with the election division, and declare the candidate receiving the highest vote for the office to be elected. (Former law provided that the county election board did not declare a candidate elected to the office of judge of the circuit court or prosecuting attorney.) (IC 3-12-4-9, as amended by HEA 1844, SECTION 342. Effective July 1, 1997.)

34. Whenever a candidate is elected to an office commissioned by the governor under IC 4-3-1-5 (including the judge of the circuit court and the prosecuting attorney, who were exempted under former law), the circuit court clerk shall prepare a statement specifying the number of votes received by each candidate for that office. This statement must be sent or hand delivered to the election division (rather than the secretary of state).

The election division (rather than the secretary of state) tabulates the votes cast concerning the ratification of a proposed state constitutional amendment or the retention of a state-level justice or judge for the issuance of a certificate by the secretary of state. The election division shall correct an error in the certification of the vote for a candidate or on a public question no later than the deadline for filing for a recount or contest (rather than the ten day period referred to under former law). The election division provides a copy of the certificate concerning a state constitutional amendment to the chief justice of the Indiana supreme court and the director of the office of code revision of the legislative services agency. The election division provides a copy of the certificate concerning the retention of a justice of the supreme court, or judge of the court of appeals or tax court to the chief justice. (IC 3-12-5-1, as amended by HEA 1844, SECTION 344. Effective July 1, 1997. IC 3-12-5-14, as amended by HEA 1844, SECTION 354. Effective retroactive to January 1, 1997.)

35. No later than noon Monday after a general election, each circuit court clerk shall prepare a certified statement of the votes received by each candidate for federal, state, and state legislative office, as well as a local office for which a declaration of candidacy must be filed with the election division (not only the local offices of judge of the circuit court and prosecuting attorney, as under former law). (This statement is also no longer required to set forth vote totals in both words and figures.) The circuit court clerk shall transmit the statement to the election division (rather than to the secretary of state.)

No later than noon of the last Tuesday in November after a general election, the election division (rather than the secretary of state) shall tabulate the number of votes cast for each of these candidates. The election division may not reject a certified statement, but must tabulate the vote totals as evidenced by the face of the certified statement. After the election division completes the tabulation, the secretary of state shall certify to the governor the candidate receiving the highest number of votes for each office.

If, no later than the final date and hour for filing for a recount or contest, a circuit court clerk files a correction with the election division that: (1) amends the clerk's certified statement; and (2) results in a different candidate receiving the highest number of votes for an office, the election division shall immediately notify the governor.

If no errors are found by the deadline for filing for a recount or contest (rather than the ten day period referred to in former law), the governor shall prepare the candidate's commission no later than the first Tuesday in December.

Immediately after preparing the commissions, the governor shall deliver the commissions to the election division. Not later than the second Tuesday in December, the election division shall transmit the commission to each candidate at the address set forth in the declaration of candidacy filed with the division, or to any more recent address furnished to the division by the candidate. (IC 3-12-5-6, IC 3-12-5-7, and IC 3-12-5-8, as amended by HEA 1844, SECTIONS 347-349, Effective July 1, 1997, IC 3-12-5-13 and IC 3-12-5-14, as amended by HEA 1844, SECTIONS 353-354, Effective retroactive to January 1, 1997.)

36. The governor may not withhold a commission due to a defect or informality in an election return made to the election division (rather than to the secretary of state) if it can be determined with reasonable certainty who is entitled to the commission for the office. (IC 3-12-5-4, as amended by HEA 1844, SECTION 345, Effective July 1, 1997.)

37. If the election division (rather than the secretary of state) or a circuit court clerk refuses to correct an error in the certification of a vote, then a voter can bring a civil action: (1) against the election division in the circuit or superior court of Marion County; or (2) against the circuit court clerk in the circuit or superior court of the county in which the circuit court clerk resides. (IC 3-12-5-15, as amended by HEA 1844, SECTION 355, Effective retroactive to January 1, 1997.)

38. Immediately after receiving the certified statements from the circuit court clerks, the election division (rather than the secretary of state) shall prepare a certificate for the secretary of state to certify the candidates receiving the highest votes for U.S. Senator or U.S. Representative. The secretary of state shall promptly execute the certificate and file the certificate with the governor. (IC 3-12-5-9, as amended by HEA 1844, SECTION 350, Effective retroactive to January 1, 1997.)

39. Following an election for governor and lieutenant governor, each circuit court clerk prepares one certified statement (rather than two statements under former law). The statement is sent by certified mail to the election division (rather than to the secretary of state and the speaker of the house). The election division delivers the statement to the speaker of the house before the joint convention of the Indiana house and Indiana senate to canvass the votes cast for governor and lieutenant governor.

At the joint convention, the joint rules that governed the Indiana house and Indiana senate before the general election govern the joint convention until the rules are amended as provided in the joint rules. (IC 3-12-5-5, as amended by HEA 1844, SECTION 346, Effective July 1, 1997.)

40. No later than noon Monday following a general election, each circuit court clerk shall transmit a certified statement to the election division (rather than the secretary of state) setting forth the votes cast for state legislative candidates. Immediately after receiving the certified statements from the circuit court clerks, the election division (rather than the secretary of state) shall prepare a certificate of election for the candidates receiving the highest votes for state senator or state representative. The election division may not reject a certified statement, but must tabulate the vote totals as evidenced by the face of the certified statement. The election division (rather than the secretary of state) shall correct an error in the certification if the error is discovered not later than the final date and hour for filing a recount or contest (rather than within the ten day period under former law). The secretary of state shall execute the certificate and forward the certificate of election to the candidate. (IC 3-12-5-11, IC 3-12-5-12, and IC 3-12-5-13, as amended by HEA 1844, SECTIONS 351-353, Effective retroactive to January 1, 1997.)

41. The secretary of state (or an individual designated by the secretary) shall preside at the meeting of Indiana's presidential electors in December following the presidential election. The election division shall assist the secretary in conducting the election and in certifying and transmitting the results in accordance with federal law. (IC 3-10-4-7, as amended by HEA 1844, SECTION 224, Effective July 1, 1997.)

42. If a presidential elector dies, resigns, or is otherwise disqualified before 11 a.m. on the date that the Indiana presidential electors meet, the electors may fill the vacancy immediately upon being notified of the death, resignation, or disqualification. (Former law required the electors to wait until 11 a.m. before filling any vacancy if an elector failed to appear.) A presidential elector who wishes to resign must file a resignation with the governor. The state chairman of the elector's political party shall notify the governor of the elector's death or disqualification. (IC 3-10-4-8, as amended by HEA 1844, SECTION 225. Effective July 1, 1997.)

43. No later than noon 15 days after a petition of nomination for a candidate for delegate to a state convention to ratify a federal constitutional amendment is filed with a circuit court clerk, the clerk must certify the names of the successful nominees for delegate to the election division (rather than to the secretary of state). (IC 3-10-5-16, as amended by HEA 1844, SECTION 227. Effective retroactive to January 1, 1997.)

44. If a candidate for election as delegate to a state convention to ratify a federal constitutional amendment objects to the decision of a circuit court clerk concerning the candidate's petition of nomination, the circuit court clerk immediately certifies the objection and the petition to the election division (rather than to the secretary of state). The Indiana election commission (rather than the secretary of state) rules on the objection, and the commission's decision is final. (IC 3-10-5-15, as amended by HEA 1844, SECTION 226. Effective retroactive to January 1, 1997.)

45. No later than noon ten days after the election of delegates to a state convention to ratify a federal constitutional amendment, the circuit court clerk must certify the election of each delegate to the election division (rather than to the secretary of state). Following the adjournment of the convention, the convention journal is filed with the election division (rather than with the secretary of state). (IC 3-10-5-23 and IC 3-10-5-28, as amended by HEA 1844, SECTIONS 228-229. Effective retroactive to January 1, 1997.)

46. If the convention ratifies the proposed federal constitutional amendment, the president and secretary of the convention must execute a certificate indicating the ratification and transmit the certificate to the election division (rather than to the secretary of state). (IC 3-10-5-29, as amended by HEA 1844, SECTION 230. Effective retroactive to January 1, 1997.)



47. A candidate or political party chairman who wishes a recount or contest to be conducted by the state recount commission must file a verified petition with the election division (rather than the secretary of state). A candidate may file a verified cross-petition for a recount with the election division (rather than the secretary of state).

A voter who wishes to have a recount concerning the adoption of a public question must file a petition with the election division (rather than the secretary of state). (IC 3-12-11-2, IC 3-12-11-4, IC 3-12-11-9, and IC 3-12-12-2, as amended by HEA 1844, SECTIONS 367-369. Effective retroactive to January 1, 1997.)



48. The proceedings of the state recount commission shall be performed in public under the Open Door Law. However, the commission can restrict access to parts of a room where the recount is being conducted to safeguard election material or to permit election material to be transported or handled by the commission.

A watcher for a candidate at the proceedings of the state recount commission has the same rights as a polling place watcher representing a political party. Representatives of the media have the same rights as a media watcher appointed for a polling place. (IC 3-12-11-17, as amended by HEA 1844, SECTION 371. Effective July 1, 1997.)

49. After the state recount commission completes a recount or contest, the commission shall file its certificate with the election division (rather than the secretary of state).

If the recount in a presidential primary, for nomination to a federal, state, or legislative office in a primary, an election to federal office, or for election to a state office (other than governor and lieutenant governor) shows that the votes tabulated for a precinct by a county election board should be revised, the election division (rather than the secretary of state) shall correct the tabulation reported by the county election board.

The election division (rather than the secretary of state) shall send a certified copy of the recount commission's order to each candidate. In the case of a recount for governor and lieutenant governor, the election division shall prepare a certificate for the secretary of state to sign and transmit to the speaker of the house of representatives and president pro tempore of the senate. In the case of a recount for a state legislative office, the election division shall prepare two certified statements of the total votes cast for each candidate, and present one certificate to the candidate who received the highest number of votes and the other certificate to the presiding officer of the chamber in which the successful candidate will be seated. A statement prepared by the election division (rather than the secretary of state) does not determine the eligibility of a candidate for governor, lieutenant governor, or the general assembly to take office, but is prepared for referring information to the proper authorities.

After completion of a recount concerning the retention of a justice of the Indiana supreme court, or a judge of the Indiana court of appeals, each circuit court clerk shall submit a certificate stating the votes cast to the election division (rather than the secretary of state). Upon the tabulation of election returns by the election division, the secretary of state shall issue a certificate declaring the public question to be accepted or rejected.

The recount commission (rather than the secretary of state) shall charge the cost of mailing the order to the petitioner for the recount or contest. (IC 3-12-11-15, IC 3-12-11-18, IC 3-12-11-20, IC 3-12-11-21, IC 3-12-11-22, IC 3-12-11-23, and IC 3-12-12-23, as amended by HEA 1844, SECTIONS 370, 372, 374-377, and 379. Effective retroactive to January 1, 1997.)

50. As required by federal law, any recount or contest concerning presidential electors must be completed not later than the second Wednesday in December following a presidential election. (IC 3-12-11-19.5, as added by HEA 1844, SECTION 373. Effective July 1, 1997.)



51. A candidate for election as precinct committeeman or state convention delegate is not entitled to a recount by a local recount commission. Instead, the political party of the candidate, in accordance with any applicable party rules, determines the winner of a political party office. (IC 3-12-6-1.5, as added by HEA 1844, SECTION 356. Effective July 1, 1997.)

52. When a petition for a local recount or election contest is filed, the circuit court clerk shall: (1) require payment of the court case filing fee under IC 33-19; and (2) assign the petition a cause number as a miscellaneous civil action. If a cash deposit is furnished for a recount, the clerk shall deposit the cash in the county general fund. (IC 3-12-6-2.5, IC 3-12-6-10.5, and IC 3-12-8-5.5, as added by HEA 1844, SECTIONS 357-358, and 365. Effective July 1, 1997.)



53. The proceedings of a local recount commission shall be performed in public under the Open Door Law. However, the commission can restrict access to parts of a room where the recount is being conducted to safeguard election material or to permit election material to be transported or handled by the commission. A watcher for a candidate at the proceedings of the local recount commission has the same rights as a polling place watcher representing a political party. Representatives of the media have the same rights as a media watcher appointed for a polling place. (IC 3-12-6-21, as amended by HEA 1844, SECTION 360. Effective July 1, 1997.)



54. A local recount for election to an office must be completed no later than December 20 following the general election. (IC 3-12-6-21.9, as amended by HEA 1844, SECTION 361. Effective July 1, 1997.)

55. After completion of a local recount, the circuit court clerk shall transmit a certificate setting forth the recounted vote totals to the election division (rather than the secretary of state). The election division shall then correct the votes shown on the division's previous tabulation. If the clerk's certificate (and the election division's tabulation) require the issuance of a new certificate or commission, the appropriate public official must be advised to issue the new certificate or commission. (IC 3-12-6-28, IC 3-12-6-29, and IC 3-12-6-30, as amended by HEA 1844, SECTIONS 362-363. Effective retroactive to January 1, 1997.)

56. After a special election is ordered to resolve a local election contest, the county election board shall issue a corrected canvass of the votes, substitute the votes cast in the special election for the votes shown for the candidates in the precincts in the original canvass, and issue a new certificate of election, if necessary. If the contest was for an office commissioned by the governor, the circuit court clerk shall forward the new canvass to the election division. The election division shall notify the governor to issue a new commission, if necessary. (IC 3-12-8-17.5, as added by HEA 1844, SECTION 366. Effective July 1, 1997.)



57. If the amount of the cash deposit or bond for a recount is not adequate to pay the compensation of a local recount commission member, the commission member is entitled to compensation from the county general fund without appropriation, and upon submission of a claim for compensation to the board of county commissioners (or, in Marion County, the Mayor of Indianapolis).

Any other cost of a local recount that remains unpaid after the completion of the recount and cannot be recovered from the cash deposit or bond shall be paid from the county general fund without appropriation. (IC 3-12-6-17.5, as added by HEA 1844, SECTION 359. Effective July 1, 1997.)

ELECTION ADMINISTRATION



1. The secretary of state shall perform all ministerial duties related to state election administration. The election division shall assist the secretary of state (as well as the commission) in the administration of the election code.

Not later than July 1, 1997, the secretary of state shall transfer the documents and records concerning elections retained by the secretary of state (other than a certificate of election, or bond or oath of office of an official) to the election division. (IC 3-6-4.2-2, as amended by HEA 1844, SECTION 29. Effective retroactive to January 1, 1997. HEA 1844, SECTION 484. Effective May 13, 1997.)

2. The Indiana election commission is authorized to hold administrative hearings and to issue advisory opinions to administer Indiana election law. (IC 3-6-4.1-25, as added by HEA 1844, SECTION 28. Effective July 1, 1997.)

3. A member of the Indiana election commission must file a proxy of record with the election division. If both the member and the proxy of record are unavailable, the member may designate an alternate proxy. The designation of the alternate proxy must be filed with the election division before the designation takes effect. (Former law required a proxy of record to be filed with the election commission.) (IC 3-6-4.1-8, as amended by HEA 1844, SECTION 22. Effective retroactive to January 1, 1997.)

4. A member of the Indiana election commission, a co-director of the election division, or an employee of the election division is authorized to administer oaths and take acknowledgments generally. (IC 33-16-4-1, as amended by HEA 1844, SECTION 448. Effective retroactive to January 1, 1997.)

5. A co-director of the election division serves a four year term, beginning January 1, 1999, and until the co-director's successor is appointed and qualified. (IC 3-6-4.2-3.2, as added by HEA 1844, SECTION 30. Effective January 1, 1999.)

6. The election division (rather than the Indiana election commission): (1) keeps minutes of commission meetings; (2) prepares and distributes state and presidential paper ballots; (3) maintains precinct maps and legal descriptions; (4) issues media watcher cards; (5) prepares voter registration affidavits for inclusion in department of revenue tax booklets; (6) calls the annual instructional meeting for county election board members and county voter registration office members and assists county election board in providing instructional training for precinct election board members; (7) receives the county NVRA implementation plan, post-election reports, and the annual report from a county election board; (8) receives computerized voter registration information from a county voter registration office; (9) receives notices of alleged violations of NVRA; (10) provides information from the statewide voter registration file; (11) forwards requests for absentee voter registration, combined absentee ballot and voter registration requests, requests for voter registration cancellation to the appropriate county voter registration office; (12) enters into and administers a contract with a vendor to implement the duplicate voter registration elimination program and has a designated mailing address for postcards returned under the program; (13) determines whether a candidate for statewide or state legislative office has filed a campaign finance statement of organization for the candidate's committee; (14) provides full-service voter registration offices with lists of county voter registration offices; (15) notifies full-service voter registration offices when a special election is scheduled; and (16) receives lists of registration sites and responsible employees from full-service voter registration agencies.

The co-directors of the election division may require a person requesting more than 10,000 voter registration applications to also submit a voter registration plan to document the need for the forms. (Former law permitted the commission to adopt rules concerning these plans.)

Any employee of the election division (rather than an employee of the commission) may administer oaths. An obsolete provision concerning the transfer of appropriations, property, records, and office space from the Indiana election commission to the election division is repealed. The July 1, 1997 expiration date of the transition provision concerning the co-directors and employees of the election commission is repealed. (IC 3-6-4.1-13, IC 3-6-4.1-20, IC 3-6-5-14, IC 3-6-5-17, IC 3-7-12-28, IC 3-7-12-40, IC 3-7-22-6, IC 3-7-26-3, IC 3-7-26-8, IC 3-7-26-9, IC 3-7-26-10, IC 3-7-26-11, IC 3-7-26-12, IC 3-7-26-14, IC 3-7-26-16, IC 3-7-26-17, IC 3-7-26-19, IC 3-7-34-10, IC 3-7-36-7, IC 3-7-38.1-1, IC 3-7-38.1-3, IC 3-7-38.1-4, IC 3-7-38.1-8, IC 3-7-38.1-9, IC 3-7-38.1-10, IC 3-7-43-8, IC 9-24-2.5-8, IC 9-24-2.5-10, IC 9-24-2.5-11, IC 12-14-1.5-8, IC 12-14-1.5-10, IC 12-14-1.5-11, IC 12-14-22-8, IC 12-14-25-7, IC 12-14-25-9, IC 12-14-25-10, IC 12-15-1.5-8, IC 12-15-1.5-10, IC 12-15-1.5-11, IC 16-35-1.6-9, IC 16-35-1.6-11, and IC 16-35-1.6-12, as amended by HEA 1844, SECTIONS 23, 26, 37, 38, 54, 55, 68, 72-81, 94-98, 101-103, 107, 427-436, and 438-443, IC 3-6-4.4-12 [sic] and IC 3-6-4.2-14, as added by HEA 1844, SECTIONS 31 and 33, Effective retroactive to January 1, 1997; IC 3-7-21-2, as amended by HEA 1844, SECTION 65. Effective May 13, 1997. IC 3-6-4.1-14 and IC 3-8-1-1.6, as amended by HEA 1844, SECTIONS 24 and 112. Effective July 1, 1997. P.L. 8-1995, SECTION 76, as amended by HEA 1844, SECTION 472. Effective July 1, 1997. IC 3-6-4.1-15 and IC 3-6-4.1-18, repealed by HEA 1844, SECTION 474. Effective retroactive to January 1, 1997.)

7. The election division (as well as the Indiana election commission) may: (1) be subject to emergency rules adopted by the commission to implement an election in a manner required by a court order; and (2) request assistance from the state police department in performing the division's duties and enforcing the election laws on election days. (IC 3-6-4.1-14, as amended by HEA 1844, SECTION 24. Effective July 1, 1997; IC 3-6-4.1-16, as amended by HEA 1844, SECTION 25. IC 3-6-4.2-13, as added by HEA 1844, SECTION 32. Effective retroactive to January 1, 1997.)

8. The Indiana election commission (rather than the co-directors of the election division) may approve the electronic transfer of data from voter registration applications or declinations. (IC 3-7-16-29, as amended by HEA 1844, SECTION 60. Effective May 12, 1997. IC 3-7-18-21 and IC 12-15-1.5-1.6, as amended by HEA 1844, SECTIONS 64 and 437. Effective retroactive to January 1, 1997.)

9. When the governor issues an executive order acknowledging that a local government's official population for purposes of state law will reflect a special census conducted by the Census Bureau, or a corrected population count or special tabulation issued by the Census Bureau, the governor shall forward a copy of the executive order to the election division and the Indiana Register. (IC 1-1-3.5-5, as amended by HEA 1844, SECTION 1. Effective July 1, 1997.)

10. The remaining references in the Indiana Code to the "state election board" are changed to refer to the "Indiana election commission" or the "election division." The remaining references in the Indiana Code to the "executive director of the state election board" are changed to refer to the "commission", the "co-directors of the Indiana election division" or the "NVRA official." (IC 3-7-16-29 and IC 3-11-7.5-28, as amended by SEA 7, SECTIONS 5 and 10. Effective April 28, 1997. IC 3-7-15-4, IC 3-17-5-5, IC 3-7-16-11, 3-7-16-12, IC 3-7-18-3, IC 3-7-18-4, IC 3-7-22-3, IC 3-7-23-2, IC 3-7-43-8, IC 3-11-3-7, and IC 3-14-3-14, as amended by HEA 1844, SECTIONS 56-59, 62, 63, 66, 70, 107, 269, and 403. Effective retroactive to January 1, 1997. IC 3-7-17-5, as amended by HEA 1844, SECTION 61. Effective July 1, 1997.)

11. A circuit court clerk shall appoint the person nominated to serve on the county election board by the appropriate county chairman. (The references in former law to nominations made by a county chairman at least 90 days before a primary are repealed.) (IC 3-6-5-4 and IC 3-6-5-5, as amended by HEA 1844, SECTIONS 35 and 36. Effective July 1, 1997.)
12. A person who serves as a proxy of record or an alternate proxy of record for a county election board member may not continue to serve after becoming a candidate for elected office or beginning service in an elected office. (IC 3-6-5-3, as amended by HEA 1844, SECTION 34. Effective July 1, 1997.)
13. A county executive may adopt an order delegating some or all of the county executive's authority regarding precinct boundaries to the county election board. The order takes effect when a copy is filed with the election division (instead of the election commission.) (IC 3-11-1.5-36, as amended by HEA 1844, SECTION 255. Effective retroactive to January 1, 1997.)
-  14. A county voter registration office must certify documents signed by registered voters in accordance with standards established by state law. If the voter registration office is uncertain whether a signature has been affixed to a document by a registered voter, and there is no procedure set forth in state law, a reasonable doubt must be resolved in favor of the registered voter, and the signature certified as valid.

If the name of a registered voter on the document contains a minor variation from the name of the voter in the county voter registration records, the signature must be certified as valid. If the residence address or mailing address of an individual contains a minor variation from the residence address or mailing address of a registered voter, the signature must be certified as valid. If the residence address or mailing address contains a *substantial* variation from the address of the voter according to the records in the county voter registration office, the signature is invalid. If the signature of a voter on the document to be certified does not *substantially* conform with the signature of the voter in the records of the county voter registration office, the signature is invalid. (IC 3-5-6, as added by HEA 1844, SECTION 19. Effective May 13, 1997.)

15. "County voter registration office" is defined and used as a new term in the election code to replace "circuit court clerk or board of registration." (IC 3-5-2-16.2 and IC 3-5-6, as added by HEA 1844, SECTIONS 7 and 19. Effective May 13, 1997. IC 3-7-12-28, IC 3-7-15-5, IC 3-7-16-12, IC 3-7-18-4, IC 3-7-23-2, IC 3-7-26-3, IC 3-7-27-6, IC 3-7-38.1-4, IC 3-7-38.1-5, and IC 3-7-43-8, as amended by HEA 1844, SECTIONS 54, 57, 59, 63, 70, 72, 82, 98, 100, and 107. Effective retroactive to January 1, 1997. IC 3-7-23-3, IC 3-7-27-15, IC 3-7-27-20, and IC 3-7-46-8, as amended by HEA 1844, SECTIONS 71, 83, 85, and 108. Effective May 13, 1997. IC 3-7-32-5 and IC 3-7-33-6, as amended by HEA 1844, SECTIONS 92 and 93. Effective retroactive to January 1, 1995. IC 3-7-38.1-4.5, as added by HEA 1844, SECTION 99. Effective retroactive to January 1, 1997. IC 3-7-41-2 and IC 3-7-41-3, as amended by HEA 1844, SECTION 105 and 106. Effective retroactive to July 1, 1996. IC 3-7-48-7, IC 3-8-3-3, IC 3-8-3-4, IC 3-8-6-10, and IC 3-11-8-6, as amended by HEA 1844, SECTIONS 109, 134-135, 148, and 298. Effective July 1, 1997.)
16. If the election division is required to send a messenger to deliver state and presidential paper ballots to a county when the ballots are not picked up by a circuit court clerk, the messenger is entitled to a mileage allowance at a rate determined by the county council (rather than at the state mileage rate). (IC 3-11-3-9, as amended by HEA 1542, SECTION 2. Effective July 1, 1997.)
17. A county election board member or board of registration member who attends the annual election administrators' meeting is entitled to receive a mileage allowance at the state rate. *[NOTE: Notwithstanding the amendment in HEA 1542-1997, SECTION 1, which provided that this mileage rate is to be set by the county fiscal body, HEA 1844-1997 repealed the state law that was amended by HEA 1542-1997. Instead, HEA 1844-1997, SECTION 33 added a new statute providing that sets the mileage allowance at the state rate.]* (IC 3-6-4.1-18, as amended by HEA 1542 [effective July 1, 1997] and repealed by HEA 1844, SECTION 474 [effective retroactive to January 1, 1997]; IC 3-6-4.2-14, as added by HEA 1844, SECTION 33. Effective retroactive to January 1, 1997.)
18. A county election board member or board of registration member who attends the annual election administrators' meeting is entitled to receive a per diem of \$24 (rather than \$25 under former law). (IC 3-6-4.1-18, as amended by HEA 1542 [effective July 1, 1997] and repealed by HEA 1844, SECTION 474 [effective retroactive to January 1, 1997]; IC 3-6-4.2-14, as added by HEA 1844, SECTION 33. Effective retroactive to January 1, 1997.)

MUNICIPAL ELECTIONS

1. A second class city retains its status as a second class city even if the city's population falls below 35,000 in any subsequent federal decennial census. (Former law provided that a second class city with a population of less than 35,000 only retained its second class city status following the first federal decennial census after the city's population fell below 35,000, with the city becoming a *third* class city if the city's population remained below 35,000 following a second federal decennial census.) (IC 36-4-1-1, as amended by HEA 1109, SECTION 2. Effective July 1, 1997.)
2. A county executive in a county in which a precinct is located whose boundary crosses a city boundary shall submit a proposed precinct establishment order to the election division no later than December 31 (formerly November 15) before the municipal election. The proposed precinct establishment order must comply with all state laws concerning precinct boundaries.

After the co-directors of the election division have reviewed the proposed order, and the order has been revised, if necessary, to comply with this chapter, the Indiana election commission shall approve the proposed order, and order that precinct establishment order takes effect January 31 of the municipal election year. (Former law required the co-directors to return the proposed order no later than December 15 to the county executive for action, and for the county executive to approve the proposed order no later than January 15.) If a county executive does not issue a proposed precinct boundary order by December 31 before a municipal election year to bring a precinct into compliance with the state law requiring precincts to follow city boundary lines, the commission may issue an order bringing the precinct into compliance with the city boundary requirements after January 15 and before February 16 of the municipal election year. (IC 3-11-1.5-30, as amended by HEA 1844, SECTION 253, Effective retroactive to January 1, 1997, IC 3-11-1.5-31, as amended by HEA 1844, SECTION 254, Effective May 13, 1997.)

3. If there is a municipal election on the approval or rejection of a public question, but all candidates for municipal office are unopposed at the election, the names of the candidates for municipal office may not be printed on the municipal election ballot. (IC 3-10-6-7.6 and IC 3-10-7-6.1, as amended by HEA 1844, SECTIONS 232 and 234, Effective July 1, 1997.)

4. A candidate vacancy in a small town on a political party ticket which nominates candidates by petition (rather than by town convention) shall be filled by the town chairman of the party filing a certificate of selection (rather than another petition of nomination under former law) no later than the date and hour that a certificate of nomination must be filed following a town convention (rather than by noon August 1 under former law). (IC 3-13-1-18, as amended by HEA 1844, SECTION 387, Effective July 1, 1997.)



5. A town election board, with unanimous consent of the board's entire membership, may authorize the printing and reproduction of ballots on equipment under the control of the town clerk-treasurer. These ballots are not required to precisely conform with the state laws setting the specifications for the printing of party symbols or candidate names on ballots, but must otherwise substantially conform with the state laws concerning ballot order and specifications. (IC 3-10-7-32, as amended by HEA 1844, SECTION 235, Effective July 1, 1997.)

6. The town of Clermont, in Marion County, may adopt an ordinance during the year preceding a municipal election to provide for staggered terms for town council members, with no more than 50% of town council members being elected for a three year term at the next municipal election, and the remaining members being elected for a four year term at the next municipal election. (IC 3-10-6-2.5 and IC 3-10-7-2.5, as amended by HEA 1844, SECTIONS 231 and 233, Effective July 1, 1997.)

7. The county commissioners may adopt an ordinance providing that a newly incorporated town may have all of the town council members elected at large, if the town will have a population of less than 3,500. Some of the requirements for town council districts are transferred from the statute concerning newly incorporated towns to the statute containing the remainder of these requirements. (IC 36-5-1-10.1 and IC 36-5-2-4.1, as amended by HEA 1844, SECTIONS 457 and 464, Effective July 1, 1997.)

8. If a county ordinance providing for the first election in a newly incorporated town is adopted after the date the absentee ballots for a general or municipal election have been delivered to the circuit court clerk, the first town election will be conducted on the date of the next general or municipal election following the election for which the absentee ballots have been delivered. (IC 36-5-1-10.1, as amended by HEA 1844, SECTION 457, Effective July 1, 1997.)

OFFICEHOLDERS

1. The following are now authorized to administer oaths and take acknowledgments generally, pertaining to all matters where an oath is required: Justices of the Indiana supreme court; the secretary of state of Indiana; a member of the Indiana election commission, a co-director of the election division, or an employee of the election division. (IC 33-16-4-1, as amended by HEA 1844, SECTION 448, Effective retroactive to January 1, 1997.)

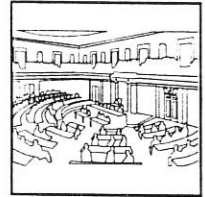
2. An oath of office may be either endorsed on or attached to a commission, certificate of election, or certificate of appointment to fill a vacancy. The officer before whom the oath is taken is required to deliver a copy of the oath, but this copy is no longer required to be certified by the officer who administered the oath. A copy (rather than a certified copy) of the oath must then be deposited in the office designated to receive oaths of office from specific officeholders. (IC 5-4-1-2, as amended by HEA 1844, SECTION 416, Effective May 13, 1997, IC 5-4-1-4, as amended by HEA 1844, SECTION 417, Effective July 1, 1997.)

3. A written resignation takes effect when filed with the proper person authorized to receive the resignation unless: (1) the resignation has a delayed effective date; or (2) is withdrawn, rescinded, annulled, or amended in accordance with state law.

A written resignation containing a provision stating that the resignation takes effect at a time or on a date following the filing of the resignation takes effect at the specified time or on the specified date. If state law requires that notice of a resignation be filed with more than one officer or entity, the resignation takes effect when filed with the first entity, unless otherwise provided in the resignation. (IC 5-8-4-4, IC 5-8-4-5, and IC 5-8-4-6, as added by HEA 1844, SECTION 420, Effective July 1, 1997.)

4. The oath of office for a justice or judge must be deposited in the office of the secretary of state. (IC 5-4-1-4, as amended by HEA 1844, SECTION 417. Effective July 1, 1997.)

5. A caucus to fill a vacancy in the Indiana senate or Indiana house of representatives may be held before the vacancy in the office exists if: (1) the senator or representative has submitted a written resignation that has not yet taken effect; or (2) has been elected to another office. A precinct committeeman who is not eligible to participate in the caucus may designate an eligible precinct vice-committeeman as the representative of the precinct. If the legislative vacancy resulted from the death of the legislator, and the legislator also served as a precinct committeeman, the vice-committeeman of the precinct is eligible to participate in the caucus.



An individual may not withdraw a resignation from a state legislative office less than 72 hours before the announced starting time of the caucus to fill the anticipated vacancy.

The state chairman shall certify the name of the individual selected to fill the vacancy to the president pro tempore of the senate or the speaker of the house of representatives. The certificate shall be included in the journal of the chamber on the day the individual is seated, or if the general assembly has adjourned *sine die*, on the first day the chamber is in session following receipt of the certificate. The former law requiring the president pro tempore of the Indiana senate or the speaker of the house of representatives to notify the governor of the vacancy if the legislature is in session when the vacancy occurs has been repealed. (IC 3-13-5-1, IC 3-13-5-5, and IC 3-13-5-6, as amended by HEA 1844, SECTIONS 393-395. Effective July 1, 1997.)

6. The schedules for electing: (1) presidential electors; and (2) the governor, lieutenant governor, attorney general, and superintendent of public instruction have been updated to refer to the next scheduled election for those offices. (IC 3-10-2-3 and IC 3-10-2-6, as amended by HEA 1844, SECTIONS 220-221. Effective July 1, 1997.)

7. The written notice of resignation by a city, town, or township official must also be provided to the board or individual who would have the power to appoint a successor if the statutes authorizing a precinct committeeman caucus to fill the vacancy did not apply. (Former law only required a "council" having this power to receive a copy of the resignation.) (IC 5-8-3.5-1, as amended by HEA 1844, SECTION 419. Effective May 13, 1997.)

8. An ordinance establishing county council districts takes effect immediately upon passage. However, a previously adopted ordinance establishing county council districts remains in effect for the purpose of filling a vacancy until the expiration of the term of the vacated office. (Former law concerning the effect of former redistricting ordinances in filling office vacancies only applied to local government "executive or legislative" bodies.) (IC 36-1-6-10, as amended by HEA 1844, SECTION 449. Effective May 13, 1997.)

9. A precinct committeeman caucus held to fill an anticipated vacancy in a local office due to a filed resignation or the official's election to another office shall be held after giving the required ten days' notice to the participants in the caucus. (IC 3-13-11-3, as amended by HEA 1844, SECTION 396. Effective July 1, 1997.)

10. Except with regard to a political party's opportunity to fill town council vacancies, if a person authorized to fill a local office vacancy fails to fill the vacancy within the required time under state law, the person retains the power to fill the office after the deadline. If a person authorized to determine which members of a town council or a township board hold over in office pending the next election fails to make this determination within the required time under state law, the person retains the power to make the determination after the deadline. (IC 3-13-11-20, as added by HEA 1844, SECTION 397. Effective July 1, 1997.)

11. The state laws specifying which individual serves as the acting officeholder in a local office during the period after a vacancy occurs and before the vacancy is filled, and which set forth the powers and duties of the acting officeholder, apply whether or not the vacancy is to be filled by political party appointment or appointment by other officials or governing bodies. (IC 3-13-11-21, as added by HEA 1844, SECTION 398. Effective July 1, 1997.)

12. For the purposes of the law requiring each elected or appointed officer of a political subdivision to file the officer's bond with the county recorder, the term "political subdivision" has the same meaning as set forth in IC 36, the laws applicable to local government. Each county officer required to give bond shall have a copy of the oath of office (rather than an original copy of the oath) recorded with (rather than "on") the bond.

The former law requiring the county recorder to procure a book to be known as the official bond register, and to file the bonds in this book, is repealed. (IC 5-4-1-5.1, as amended by HEA 1844, SECTION 418. Effective July 1, 1997.)

13. An individual serving as an elected official of a municipal corporation (such as a mayor, a city or town council member, or a school board member) may be issued a beer retailer's permit by the Indiana alcoholic beverage commission. (Former law prohibited a mayor and any other officer of a municipal corporation charged with any duty or function in the enforcement of the alcoholic beverage laws from holding this type of permit. (IC 7.1-3-4-2, as amended by HEA 1969, SECTION 1. Effective May 1, 1997.)

14. An individual serving as judge of any city or town court in Lake County must be an attorney in good standing. (With regard to Lake County, former law only imposed this requirement on an individual serving as judge of the East Chicago city court, the Gary city court, and the Hammond city court). (IC 3-8-1-28.5, as amended by HEA 1072, SECTION 3, Effective July 1, 1997.)

15. The term of a judge of a town court in a town that has adopted an ordinance to elect all town officials in a general election year was clarified in a technical correction bill. (IC 33-10.1-3-1.1, as amended by SEA 7, SECTION 70, Effective April 28, 1997.)

16. The resolution providing for the initial election of a township assessor in a township with a population of more than 5,000, and less than 8,000 must be filed with the county election board no later than the first date that a declaration of candidacy may be filed by primary election candidates. (IC 36-6-5-1, as amended by HEA 1844, SECTION 470, Effective July 1, 1997.)

17. The oath of office for a school board member must be deposited in the circuit court clerk's office of the county containing the greatest percentage of population of the school corporation. (IC 5-4-1-4, as amended by HEA 1844, SECTION 417, Effective July 1, 1997.)

POLITICAL PARTIES



1. Delegates to a state political party convention shall be elected at a primary from delegate districts if delegate districts are provided for in the rules of the state committee of the political party. No later than November 30 before a state convention is conducted, the state chairman of a major political party must certify to the election division and to each party county committee:

(1) the number of delegates to be elected in each county; (2) whether the delegates are to be elected from districts or at large in each county; and (3) if a county elects delegates from districts, how many districts must be established in each county.

Each county committee must establish any required delegate districts and, no later than noon December 31, file a description of the district boundaries with the county election board. If the county committee fails to do so, the county election board must establish districts and determine the number of delegates to be elected from each district. (The former law allotting one delegate district for every 400 votes in a district, with one additional delegate for each 200 votes, and prohibiting more than ten delegates from being elected within a single district, has been repealed.) (IC 3-8-4-3, as amended by HEA 1844, SECTION 142, Effective July 1, 1997.)

2. A vacancy in the office of state convention delegate shall be filled as provided in the rules of the political party (rather than by the appropriate county chairman under former law.) (IC 3-8-4-4, as amended by HEA 1844, SECTION 143, Effective July 1, 1997.)



3. The political party of a candidate for precinct committeeman or state convention delegate determines the winner of an election to a political party office in accordance with applicable party rules. A local recount commission may not conduct a recount for a political party office. (IC 3-12-6-1.5, as added by HEA 1844, SECTION 356, Effective July 1, 1997.)

4. The state committee of any political party may adopt rules for party government, remove party committee members after providing notice and a hearing, and maintain civil actions in the name of the political party. (Former law referred to political parties "subject to this chapter [IC 3-6-1]" which was meaningless after the repeal of the applicability provisions in this chapter in 1996). (IC 3-6-1-12, as amended by HEA 1844, SECTION 20, Effective May 13, 1997.)

5. The name of a political party may be changed whenever the state chairman files a certificate setting forth the name change with the election division. (Former law required the certificate to be filed with the secretary of state.) (IC 3-6-3-6, as amended by HEA 1844, SECTION 21, Effective May 13, 1997.)

POLLING PLACES AND PRECINCT WORKERS



1. A county election board: (1) upon determining that there is no suitable room in a township for a precinct's polling place that complies with accessibility requirements under federal law; and (2) upon unanimous vote of the county election board's entire membership, may locate the polls for the precinct in the most convenient available room in the county that complies with the federal accessibility standards. (A reference in former law to accessibility requirements established by the Indiana election commission has been repealed.)

The board of county commissioners and the Mayor of Indianapolis shall designate any special polling place required for voters with disabilities or elderly voters not later than 29 days (rather than 30 days) before election day. The commissioners or Mayor must file a report listing each inaccessible precinct and special voting poll with the election division (rather than the commission) no later than 29 days (rather than 30 days) before election day.

The county election board (rather than the county voter registration office) assigns a special polling place to a voter who submits the required application for a special polling place. (IC 3-11-8-3 and IC 3-11-8-6, as amended by HEA 1844, SECTIONS 295 and 298. Effective July 1, 1997.)

2. The board of county commissioners (or the Mayor of Indianapolis) shall designate the polls for a precinct not less than 29 days (rather than 30 days) before the election. (IC 3-11-8-3.1, as amended by HEA 1844, SECTION 296. Effective July 1, 1997.)

3. A county may not be required to sign any agreement assuming liability as a precondition for using a public building as a polling place for a precinct. (IC 3-11-8-4, as amended by HEA 1844, SECTION 297. Effective July 1, 1997.)



4. A county election board may restrict access to parts of a room where lever voting machines, ballot card voting systems, and other election material are being handled to prepare a polling place for election day. (IC 3-11-12-21, IC 3-11-13-6, IC 3-11-13-27, IC 3-11-14-13, and IC 3-11-14-15, as amended by HEA 1844, SECTIONS 318, 320, 322, and 330-331. Effective July 1, 1997.)



5. An individual who is the first cousin of a candidate may serve as a precinct election officer. (IC 3-6-6-7 and IC 3-6-6-23, as amended by HEA 1844, SECTIONS 40 and 43. Effective July 1, 1997.)

6. A person who serves as the chairman or treasurer of a candidate's campaign finance committee is not eligible to serve as the inspector of a precinct where the candidate is on the ballot. A conforming change has also been made in the inspector's oath of office. (IC 3-6-6-7, as amended by HEA 1275, SECTION 1, and IC 3-6-6-23, as amended by HEA 1275, SECTION 2. Effective July 1, 1997.)

7. If two or more voters file an affidavit with the county election board alleging that a precinct inspector or judge is not qualified to serve, the county election board must determine whether the statements made in the affidavit are true before removing the inspector or judge from office. (IC 3-6-6-12, as amended by HEA 1844, SECTION 41. Effective July 1, 1997.)

8. If a county election board wishes to provide for assistant poll clerks in a precinct, the board must adopt a resolution to do so at least 21 days (rather than "three weeks") before election day. (IC 3-6-6-4, as amended by HEA 1844, SECTION 39. Effective July 1, 1997.)

9. A poll clerk, assistant poll clerk, or election sheriff swears the same oath of office as the inspector and judges. (The separate oaths provided for poll clerks and sheriffs under former law are repealed.) The precinct election officer oaths are to be attached to the poll list and returned to the county election board (rather than to the circuit court clerk). (IC 3-6-6-22 and IC 3-6-6-23, as amended by HEA 1844, SECTIONS 42 and 43. Effective July 1, 1997. IC 3-6-6-24, repealed by HEA 1844, SECTION 475. Effective May 13, 1997.)

10. An inspector, judge, poll clerk, assistant poll clerk, or election sheriff is authorized to administer oaths and take acknowledgments for any purpose authorized under the election code. (IC 33-16-4-1, as amended by HEA 1844, SECTION 448. Effective retroactive to January 1, 1997.)



11. The per diem paid to each inspector, judge, poll clerk, assistant poll clerk, and election sheriff is set by the county commissioners (or Mayor of Indianapolis). (Formerly, the per diem rate was fixed by state law. The requirement for an inspector to complete a polling place accessibility survey before receiving the per diem has been repealed.) (IC 3-6-6-35, as amended by HEA 1844, SECTION 44. Effective July 1, 1997.)

12. The county voter registration office is required to provide the inspector of a precinct with no more than two copies of the certified list of voters in the precinct if the county chairman has requested the county election board to provide the inspector with the copies. (Former law required two copies of this list to be produced whether or not the copies were requested.) The inspector is authorized to provide either copy of the list to another precinct election officer. (IC 3-7-29-2, as amended by HEA 1844, SECTION 87. Effective July 1, 1997.)

13. If a county election board is required to send a messenger to deliver paper ballots to a precinct when the ballots are not picked up by the precinct inspector, the messenger is entitled to a mileage allowance at a rate determined by the county council (rather than the state mileage rate). (IC 3-11-3-14, as amended by HEA 1542, SECTION 3. Effective July 1, 1997.)



14. A poll clerk, assistant poll clerk, or election sheriff who knowingly induces or persuades a voter to vote for a candidate or for or against a public question commits a Class D felony. (Former law only applied to a member of the precinct election board, such as the inspector or a judge.) (IC 3-14-3-17, as amended by HEA 1844, SECTION 406. Effective July 1, 1997.)

15. An election sheriff is no longer authorized to make arrests upon demand of an inspector or judge, or upon the filing of an affidavit. The election sheriff shall, upon direction from an inspector or judge, request assistance from a law enforcement officer if a violation occurs within or near the polls, or appears imminent. The election sheriff may leave the polls to obtain assistance from a law enforcement officer. If a person is accused of illegal voting, the affidavit setting forth the allegation is to be forwarded to the prosecuting attorney and, if a violation of NVRA has occurred, to the co-directors of the election division. (Former law provided for the immediate arrest and detention of the accused voter by the election sheriff or a law enforcement officer.) (IC 3-6-6-35 and IC 3-14-5-1, as amended by HEA 1844, SECTIONS 45 and 407. Effective July 1, 1997.)

16. A precinct election officer, a watcher, a challenger, or a pollbook holder may not challenge an individual's right to vote at the precinct solely due to the individual's: (1) status as a student; or (2) registration address in student housing. A county election board may remove a precinct election officer or void the credentials of a watcher, challenger, or pollbook holder if the board determines that the person has violated this provision. The county election board may also refer the matter to the prosecuting attorney to determine whether the person may have violated the state law prohibiting the obstruction of a voter. (IC 3-5-5-7, as amended by HEA 1844, SECTION 18, Effective July 1, 1997.)



17. A person who produces a registration receipt indicating that the person applied to register at a license branch or other "full service" voter registration agency shall be permitted to vote if: (1) the person makes a written affirmation that the person resides in the precinct; and (2) the county voter registration office advises the precinct board that the office approved the application or that the office has no record of either approving or rejecting the application. (IC 3-7-48-7, as amended by HEA 1844, SECTION 109, Effective July 1, 1997.)

18. An individual who signs the individual's name and address on the poll list and then leaves the polls without casting a ballot is not permitted to reenter the polls to cast a ballot at the election. (IC 3-11-8-25.5, as added by HEA 1844, SECTION 300, Effective July 1, 1997.)



19. A challenger must be a registered voter of the county. A watcher appointed by a political party (or by certain independent candidates) must be a registered voter of the county. A reference to challenger and pollbook holder identification cards issued by individuals other than a county chairman has been added to conform with current law. (IC 3-6-7-1.7 and IC 3-6-8-2.5, as added by HEA 1844, SECTIONS 46 and 47, Effective July 1, 1997; IC 3-6-2-7, as amended by SEA 7, SECTION 2, Effective April 28, 1997.)

20. No unauthorized person may remain within fifty feet of the entrance to the polls (rather than the "chute" under former law) except for the purpose of offering to vote. (IC 3-11-8-16 and IC 3-14-3-15, as amended by HEA 1844, SECTIONS 299 and 404, Effective July 1, 1997.)



21. A person commits "electioneering" within polls or within 50 feet of the entrance to the polls if the person expresses support or opposition to any candidate or political party or expresses approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. (IC 3-14-3-16, as amended by HEA 1844, SECTION 405, Effective July 1, 1997.)

22. A challenger and a pollbook holder are authorized to stand at the sides of the chute next to the entrance to the polls "or in a location authorized under IC 3-6-7-2(b)." [NOTE: No legislation was enacted to permit the designation of another location under IC 3-6-7-2(b).] (IC 3-11-8-16, as amended by HEA 1844, SECTION 299, Effective July 1, 1997.)

23. A watcher appointed for a group of primary candidates must be a registered voter of the county, and may not be a candidate to be voted on at the primary (other than an unopposed candidate for precinct committeeman or state convention delegate). (IC 3-6-9-4, as amended by HEA 1844, SECTION 49, Effective July 1, 1997.)

24. A political party watcher is entitled to vote summaries signed by the precinct election board. These summaries must also contain the vote totals cast for and against a public question. (IC 3-6-8-4, as amended by HEA 1844, SECTION 48, Effective July 1, 1997.)

25. An individual wishing to act as a media watcher in more than one county must obtain a watcher identification card from the election division (rather than the Indiana election commission). The secretary of state (rather than the commission) may adopt rules concerning media watcher cards. (IC 3-6-10-6, as amended by HEA 1844, SECTION 50, Effective retroactive to January 1, 1997.)

26. Each precinct election board, at the close of the polls, shall place all affidavits used to determine the eligibility of a precinct election officer, or the eligibility of a person who wishes to cast a ballot, in sealed paper bag or envelope for delivery to the county election board and forwarding to the grand jury. (Former law referred to "all affidavits" being sealed and forwarded to the grand jury.) (IC 3-14-5-2, as amended by HEA 1844, SECTION 408, Effective July 1, 1997.)

PRECINCTS AND LOCAL GOVERNMENT BOUNDARIES

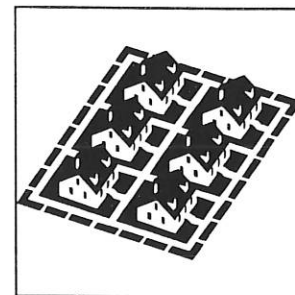


1. A precinct boundary may not be changed after November 1, 1998 and before January 1, 2000. (HEA 1844, SECTION 481, Effective May 13, 1997.)

2. Indiana accepts the invitation of the Census Bureau to participate in Phase II of the Block Boundary Suggestion Project. (HEA 1844, SECTION 480, Effective May 13, 1997.)



3. Most precincts must be established so that the precinct contains no more than 1,200 active voters. (Former law provided that most precincts should not contain more than 800 active voters.) A precinct consisting only of: (1) an entire township; (2) an entire city council district; (3) an entire town council district; or (4) one residential structure containing more than 1,200 voters may contain up to 1,500 voters (Former law provided that these precincts could contain no more than 1,200 voters). A precinct whose boundaries were changed within the last 48 months to comply with the 1,200 voter requirement is not required to have its boundaries changed again unless the precinct now contains more than 1,400 voters (1,000 voters was the upper limit for such precincts under former law.) (IC 3-11-1.5-3, as amended by HEA 1193, SECTION 59, Effective July 1, 1996.)



4. Except for a precinct whose boundaries cross a congressional district or state legislative district line, the boundaries of a precinct as set forth on July 1, 1997 in the geographic system maintained by the election division are the legal boundaries of the precinct.

If a precinct crosses a congressional district line or state legislative line, and the precinct boundary had not been approved before July 1, 1997 by the Indiana election commission (or the state election board), the election division shall, not later than November 30, 1997, indicate on the geographic information system that the boundary of the precinct follows the congressional district line or state legislative line that currently crosses the precinct line, and certify the alteration in the precinct line to: (1) the Indiana election commission; (2) the board of county commissioners (or Mayor of Indianapolis); and (3) the county voter registration office of the county where the precinct is located. No later than December 31, 1997, the county voter registration office shall alter its records to reflect the precinct boundary established under this state law. (HEA 1844, SECTION 483, Effective July 1, 1997.)

5. A petition by a county executive to waive the requirement fixing the maximum number of voters within a precinct must be filed with the election division (rather than the Indiana election commission). The commission is no longer required to adopt rules to determine whether unnecessary expense and inconvenience exists that permits a county's waiver petition to be granted. (IC 3-11-1.5-3.2, as amended by HEA 1844, SECTION 241, Effective retroactive to January 1, 1997.)

6. If the election division determines that a boundary depicted on a census block boundary map is in error, the Indiana election commission may approve a precinct boundary that follows the corrected boundary, as determined by the commission. The election division shall: (1) record the approval in the commission's minutes; and (2) annotate the corrected boundary line on the census block boundary map retained by the commission. (IC 3-11-1.5-10.5, as added by HEA 1844, SECTION 243, Effective May 13, 1997.)

7. Census block boundary maps are filed with the election division (rather than the Indiana election commission). (IC 3-11-1.5-5, as amended by HEA 1844, SECTION 242, Effective retroactive to January 1, 1997.)

8. If the co-directors of the election division (or a designated division employee) determine that a proposed precinct order would comply with the state laws governing precinct boundaries, the co-directors shall advise the county executive that the co-directors will recommend that the Indiana election commission approve the proposed order, based on the order's compliance with the precinct boundary laws. (Former law required the proposed order to be returned to the county executive within 45 days after receipt by the co-directors, accompanied by a letter indicating that the precinct order may be issued by the county executive.) (IC 3-11-1.5-18, IC 3-11-1.5-21, and IC 3-11-1.5-22, as amended by HEA 1844, SECTIONS 244, and 248-249, Effective May 13, 1997.)

9. If the co-directors of the election division (or a designated division employee) determine that a proposed precinct order would not comply with the state laws governing precinct boundaries, the co-directors shall advise the county executive specifically how the order would not comply. (Former law required the proposed order to be returned to the county executive within 45 days after receipt by the co-directors, accompanied by a letter indicating that the precinct order would not comply with the precinct boundary laws.) The county executive may then amend the proposed order to comply with the laws, or request an exemption from the precinct boundary laws. (IC 3-11-1.5-19, IC 3-11-1.5-20, IC 3-11-1.5-20.5, and IC 3-11-1.5-21, as amended by HEA 1844, SECTIONS 245-248, Effective May 13, 1997.)

10. A precinct establishment order becomes effective on the date specified by the Indiana election commission in the commission's order approving the precinct establishment order. The former law requiring the commission to approve or disapprove the order within 45 days after the order was filed with the commission, following technical review by the co-directors, has been repealed. The county executive must publish a legal notice not later than 14 days after the county executive gives final approval to the precinct establishment order.

With regard to a precinct establishment order approved by the commission after December 1, 1998, the commission's order approving the proposed precinct establishment order does not become effective until an election division employee designated by the co-directors certifies to the commission that the proposed precinct establishment order has been fully documented on the geographic information system maintained by the election division that sets forth the existing boundaries of all Indiana precincts. (IC 3-11-1.5-24 and IC 3-11-1.5-27, as amended by HEA 1844, SECTIONS 250 and 252, Effective May 13, 1997.)

11. A precinct establishment order may not become effective during a general election year in which precinct committeemen are to be elected, during the period beginning on the first day that a declaration of candidacy may be filed under IC 3-8-2 and ending the day following general election day. (Former law provided that January 31 was the beginning of the period during which a precinct establishment order could not become effective during any general election year.) (IC 3-11-1.5-25, as amended by HEA 1844, SECTION 251, Effective July 1, 1997.)

12. A county executive in a county in which a precinct is located whose boundary crosses a city boundary shall submit a proposed precinct establishment order to the election division no later than December 31 (formerly November 15) before the municipal election. The proposed precinct establishment order must comply with all state laws concerning precinct boundaries.

After the co-directors of the election division have reviewed the proposed order, and the order has been revised, if necessary, to comply with this chapter, the Indiana election commission shall approve the proposed order, and order that precinct establishment order takes effect January 31 of the municipal election year. (Former law required the co-directors to return the proposed order no later than December 15 to the county executive for action, and for the county executive to approve the proposed order no later than January 15.) If a county executive does not issue a proposed precinct boundary order by December 31 before a municipal election year to bring a precinct into compliance with the state law requiring precincts to follow city boundary lines, the commission may issue an order bringing the precinct into compliance with the city boundary requirements after January 15 and before February 16 of the municipal election year. (IC 3-11-1.5-30, as amended by HEA 1844, SECTION 253, Effective retroactive to January 1, 1997, IC 3-11-1.5-31, as amended by HEA 1844, SECTION 254, Effective May 13, 1997.)

13. A county executive may adopt an order delegating some or all of the county executive's authority regarding precinct boundaries to the county election board. The order takes effect when a copy is filed with the election division (instead of the election commission.) (IC 3-11-1.5-36, as amended by HEA 1844, SECTION 255, Effective retroactive to January 1, 1997.)

14. A local government action resulting in: (1) a change in a county boundary; (2) the transfer of territory between municipalities in Marion County; (3) a merger between municipalities; (4) a disannexation from a municipality; (5) an annexation to a municipality; (6) the incorporation of a town; (7) the dissolution of a town; (8) the change of name of a town; (9) the change of name of a township; or (10) a change in a township boundary; must be reported to the state certifying official designated under IC 3-6-4.2-11". [NOTE: HEA 1844-1997 did not enact an Indiana Code provision captioned "IC 3-6-4.2-11", or otherwise designate a state certifying official.] (The former law requiring that a copy of the order changing a local government boundary or name be filed with a designated employee of the state board of tax commissioners has been repealed. On June 1, 1997, the state certifying official for Boundary and Annexation Survey is to transfer these records to the co-directors of the election division.)

A cross reference to the state constitutional provision prohibiting a change in a county boundary from resulting in a county with an area of less than 400 square miles has been added to the county boundary change statute. Certain township boundary changes take effect upon filing with the state certifying official, and may not take effect during the year preceding a decennial census. (Former law provided that the township boundary change took effect January 1, 1994.) (IC 36-2-1-2, IC 36-2-1-8, IC 36-3-2-7, IC 36-4-2-9, IC 36-4-3-19, IC 36-4-3-22, IC 36-5-1-10.1, IC 36-5-1-17, IC 36-5-1.1-9, IC 36-5-1.1-10, IC 36-5-1.1-10.5, IC 36-5-1.1-10.6, IC 36-5-1.2-12, IC 36-6-1-1, IC 36-6-1-3, IC 36-6-1-5, IC 36-6-1-5.5, and IC 36-6-1-11, as amended by HEA 1844, SECTIONS 450-452, 454-463, and 465-469, Effective July 1, 1997, IC 6-1.1-30-15, repealed by HEA 1844, SECTION 476, Effective July 2, 1997, HEA 1844, SECTION 482, Effective May 13, 1997.)

REGISTRATION

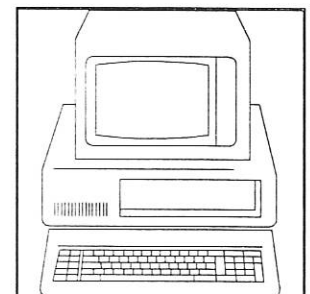


1. The former law concerning the adoption of a nondiscriminatory uniform policy concerning the copying of computerized county voter registration files has been largely reenacted. (The former law concerning these policies was inadvertently repealed when the Public Records Law was amended at the same time the voter registration statutes were recodified in 1995.)

Each county election board is required to adopt a nondiscriminatory uniform policy applying to computerized voter registration records maintained by the county voter registration office. The policy must either: (1) permit a person to duplicate or obtain a duplicate copy of a computer record; or (2) not permit a person to duplicate or obtain a duplicate copy of the information. (IC 3-7-27-6, as amended by HEA 1844, SECTION 82, Effective retroactive to January 1, 1997.)



2. A person who requests computerized voter registration information from a county voter registration office must provide a statement that the person will not use the information for commercial purposes; or (2) sell or provide the information to any other person for a purpose other than political activities or political fundraising. This does not apply to the publication of information in a news broadcast or newspaper. An officer or employee of a county voter registration office who grants a request for voter registration information knowing that the information will be used for a commercial purpose commits a Class B infraction and shall be dismissed upon a second offense. A person who uses voter registration information to solicit merchandise, goods, services, or subscriptions commits a Class B misdemeanor. (Under former law, these penalties only applied to use voter registration information from the computerized state registration file.) (IC 3-7-27-6, as amended by HEA 1844, SECTION 82, Effective retroactive to January 1, 1997, IC 3-14-6-1 and IC 3-14-6-2, as amended by HEA 1844, SECTIONS 411-412, Effective July 1, 1997.)



3. The computerized voter registration records maintained by a county voter registration office are only required to contain a voter's voting history for the previous ten years, if available. The county voter registration system must be able to generate *both* alphabetical lists of voters and lists of voters by precinct of residence. (IC 3-7-27-20, as amended by HEA 1844, SECTION 85. Effective May 13, 1997.)
4. The computerized voter registration information in the statewide voter file maintained by the election division is confidential. Information relating to a person's declination to apply for voter registration while applying for a driver's license may not be used for any purpose other than voter registration purposes. (IC 3-7-30-3, as amended by HEA 1844, SECTION 88. Effective May 13, 1997. IC 3-7-30-6, as amended by HEA 1844, SECTION 89. Effective retroactive to January 1, 1997.)
5. An obsolete provision permitting the Indiana election commission to offer incentives for counties to computerize voter registration information has been repealed. (As of 1997, all Indiana counties have computerized their voter registration information.) (IC 3-7-26-15, repealed by HEA 1844, SECTION 475. Effective May 13, 1997.)
6. Each county voter registration office is required to remove the names of ineligible voters in accordance with the voter list maintenance programs. The voter list maintenance programs must be uniform, nondiscriminatory, and in compliance with the federal Voting Rights Act of 1965, and not result in the removal of a name solely due to a voter's failure to vote. The programs must be completed at least 90 days before any election. (IC 3-7-38.2, as added by HEA 1844, SECTION 104. Effective May 13, 1997.)
7. Most of the specific dates formerly prescribed by statute for conducting the duplicate voter registration elimination program have been replaced by language permitting the election division to specify the dates of specific program deadlines. The election division may require the program's vendor to provide each county voter registration office with original postcards returned to the commission or photocopies of the cards (instead of the lists of voters produced under IC 3-7-38.1-4.) (IC 3-7-38.1-4 and IC 3-7-38.1-5, as amended by HEA 1844, SECTIONS 98 and 100. IC 3-7-38.1-4.5, as added by HEA 1844, SECTION 99. Effective retroactive to January 1, 1997.)
8. The election division is not required to conduct the duplicate voter registration elimination program during odd-numbered years if the election division determines that the cost of the program exceeds any benefit resulting from the maintenance of the voter registration rolls. (IC 3-7-38.1-3, as amended by HEA 1844, SECTION 97. Effective retroactive to January 1, 1997.)
-  9. The co-directors of the election division may submit the names of all Indiana voters to the United States Postal Service National Change of Address (NCoA) program. However, the names of absent uniformed services voters, overseas voters, and voters who have filed a temporary forwarding order for mail are not to be included in the list of voters who may no longer reside at an address. If a voter is identified by the NCoA program as having moved to another address in the same county, the county voter registration office shall amend the voter registration record and send a notice to the voter at the new address.
- If a voter is identified by the NCoA program as having moved to a new residence in another county, the county voter registration office shall: (1) advise the voter how to register in the county where the voter currently resides; and (2) cancel the voter's registration if the voter's new residence is confirmed.
- The county voter registration office shall send a notice to a voter to confirm any new address identified by the NCoA program. If the voter does not confirm the voter's address as set forth in the county voter registration record by either: (1) returning the postcard at least 29 days before the election; or (2) by voting in person at that address within two general elections after the card was mailed, the voter's registration at that address shall be canceled thirty days afterwards. (IC 3-7-38.2, as added by HEA 1844, SECTION 104. Effective May 13, 1997.)
10. The co-directors of the election division may also conduct an annual residency confirmation mailing by sending a mailing to every voter in Indiana who has not already received a mailing under NCoA submission program. The mailing must request each voter to confirm that the voter still resides at the residence address indicated on the voter registration record. If the voter does not confirm the residence address, or does not vote at the address at either of the next two general elections, the voter's registration at that address shall be canceled. (IC 3-7-38.2, as added by HEA 1844, SECTION 104. Effective May 13, 1997.)
11. Electronic transfer of data from voter registration applications or declinations may be permitted only after approval by the election commission (former law referred to the "executive director of the state election board" and the co-directors of the election division. (IC 3-7-16-29, as amended by SEA 7, SECTION 5 [effective April 28, 1997] and by HEA 1844, SECTION 60 [effective May 13, 1997]. IC 3-7-18-21, as amended by HEA 1844, SECTION 64. Effective retroactive to January 1, 1997.)
12. The co-directors of the election division may require a person who requests more than 10,000 voter registration applications to submit a voter registration plan to document the need for these forms. (Former law permitted the commission to adopt rules concerning the submission of these plans). (IC 3-7-22-6, as amended by HEA 1844, SECTION 68. Effective retroactive to January 1, 1997.)
13. The election division or the department of state revenue shall forward a completed voter registration application from a state income tax booklet to the appropriate county voter registration office. (IC 3-7-23-3, as amended by HEA 1844, SECTION 71. Effective May 13, 1997.)

14. The election division (rather than the Indiana election commission or the secretary of state) is required to forward a request for cancellation of voter registration to the appropriate county voter registration office. (IC 3-7-34-10, as amended by HEA 1844, SECTION 94. Effective retroactive to January 1, 1997.)



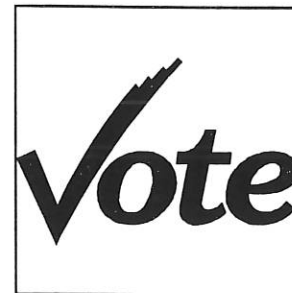
15. A county voter registration office may not accept a photocopied application for voter registration by mail. The county voter registration office must send an application to the individual who submitted the photocopy. If the photocopy arrives before the deadline for registration, and, if no later than the date the certified poll lists are prepared, the individual returns the voter registration application subsequently sent by the county voter registration office, the individual is considered to have met the deadline for applying to register for the election. (IC 3-7-22-7, as amended by HEA 1844, SECTION 69. Effective July 1, 1997.)



16. The former laws specifying the method for a county voter registration office to organize original and duplicate voter registration affidavits have been repealed. (IC 3-7-27-11, IC 3-7-27-13, and IC 3-7-27-14, repealed by HEA 1844, SECTION 475. Effective May 13, 1997.)

17. A county voter registration office is not required to deliver the original affidavits of registration to the polls if the county election board has adopted a resolution authorizing this procedure. (IC 3-7-27-15, as amended by HEA 1844, SECTION 83. Effective May 13, 1997. IC 3-7-27-16, as amended by HEA 1844, SECTION 4. Effective July 1, 1997.)

18. A person who produces a registration receipt indicating that the person applied to register at a license branch or other "full service" voter registration agency shall be permitted to vote if: (1) the person makes a written affirmation that the person resides in the precinct; and (2) the county voter registration office advises the precinct board that the office approved the application or that the office has no record of either approving or rejecting the application. (IC 3-7-48-7, as amended by HEA 1844, SECTION 109. Effective July 1, 1997.)



19. A reference to the December 31, 1995 deadline for submission of the initial county NVRA implementation plans has been repealed. (IC 3-7-21-2, as amended by HEA 1844, SECTION 65. Effective May 13, 1997.)

20. The remaining reference in the election code to "deputy registrars" has been repealed. (IC 3-7-27-8, as amended by SEA 7, SECTION 7. Effective April 28, 1997.)

21. The obsolete state administrative rules concerning absentee registration are voided and are to be deleted from the *Indiana Register*. (These rules expired July 1, 1992.) (HEA 1844, SECTION 477. Effective July 1, 1997.)

SPECIAL ELECTIONS, SCHOOL BOARD ELECTIONS, AND REFERENDA

1. A cross reference to the current law governing special elections (IC 3-10-8-9) is added to the alcoholic beverages code (IC 7.1) specifying that it is unlawful to sell alcoholic beverages during a special election (within the precincts where the special election is being conducted) from 3 a.m. until the close of the polls. (IC 7.1-5-10-1, as amended by HEA 1844, SECTION 423. Effective July 1, 1997.)

2. A county election board must notify the election division (rather than the Indiana election commission) when a special election is to be conducted. (IC 3-10-8-4, as amended by HEA 1844, SECTION 236. Effective retroactive to January 1, 1997.)

3. The election division (rather than the Indiana election commission) is required to notify the Federal Voting Assistance Program (formerly "Project") whenever a special election is to be conducted. Duplicate references to notifying the alcoholic beverage commission and the adjutant general concerning special elections have been repealed. (IC 3-10-8-4, as amended by HEA 1844, SECTION 236. Effective retroactive to January 1, 1997. IC 3-10-8-4.5, as amended by SEA 7, SECTION 8. Effective April 28, 1997. IC 3-10-8-4.5, as amended by HEA 1844, SECTION 237. Effective May 13, 1997.)

4. A county election board may adopt a resolution (by the unanimous vote of the entire membership of the board) to provide that a precinct election board for a special election consists of one inspector and one judge, and that only one sheriff and poll clerk may be nominated as precinct election officer. The resolution may not be rescinded, and expires after the special election.

In a precinct organized in accordance with this resolution, the judge acts as a poll clerk whenever two poll clerks are required to perform an election related duty, and the poll clerk acts as a judge whenever two judges are required to perform an election related duty. (IC 3-10-8-6, as amended by HEA 1844, SECTION 239. Effective July 1, 1997.)

5. A reference to the procedure for filling a late candidate vacancy on the ballot for a special election has been added to the special election chapter. (IC 3-10-8-5, as amended by HEA 1844, SECTION 238. Effective July 1, 1997.)

6. An absentee ballot printed by the election division for a special election must be delivered to a circuit court clerk no later than 29 days (rather than 30 days) before the special election. An absentee ballot printed by a county election board for a special election must be delivered to the circuit court clerk at least 32 days (rather than 30 days) before a special election. (IC 3-11-4-13, as amended by HEA 1844, SECTION 277, Effective retroactive to January 1, 1997. IC 3-11-4-15, as amended by HEA 1844, SECTION 278, Effective July 1, 1997.)

7. A candidate for election to a school board must have resided within the school corporation at least a year before the election unless a longer period is required under the provisions in IC 20 governing the school corporation. If the candidate seeks to represent an election district that consists of less than the entire school corporation, the candidate must have resided in that election district at least a year before the election unless a longer period is required under IC 20. (IC 3-8-1-34, as amended by HEA 1844, SECTION 117, Effective July 1, 1997.)

8. An individual may not file both a declaration of candidacy for nomination at a primary election as well as a petition of nomination for a school board office that is elected at a primary election. If an individual files both a declaration of candidacy as a primary candidate and a petition of nomination for a school board office, the county election board shall: (1) determine which document was filed most recently; and (2) consider the previously filed document to have been withdrawn. (IC 3-8-2-15, as amended by HEA 1844, SECTION 127, Effective July 1, 1997.)

9. Candidates for election to at-large seats on a school board shall be listed alphabetically according to surname. The ballot shall contain a statement reading substantially as follows above the name of the first candidate: "Vote for not more than ____ (insert number of candidates to be elected) candidates for this office." (IC 3-11-2-14.5, as added by HEA 1844, SECTION 262, Effective July 1, 1997.)

10. The members of the school board of the Gary school corporation consist of six members elected by the voters of the school corporation and one member appointed by the mayor of the city of Gary. (Former law provided that all seven school board members were to be elected by the voters.) Each of the six elected members of the school board must reside within the member's residence district, but the six members are to be elected at large by all voters of the school corporation. (Former law provided that one school board member was elected at large by all the voters of the school corporation, and that six school board members were to be elected only by the registered voters within the member's election district.) If the seat filled by the mayor becomes vacant, the mayor (rather than the remaining school board members) fills the vacancy. (IC 20-3-21-3, IC 20-3-21-5, IC 20-3-21-6, IC 20-3-21-9, and IC 20-3-21-10, as amended by HEA 1661, SECTIONS 1-5, Effective January 1, 1998.)

11. A school corporation may amend its school board organization plan to provide for a seven member elected school board to be established in the following manner: (1) Four members are to be elected from individual election districts, with each of these four members required to reside within their election district, and to be elected only by the voters of that election district. The election districts for these members are to be created by the school board, may not cross precinct lines, and must contain equal population, with a total deviation of no more than 15% between the population of the smallest district and that of the largest district. (2) Three members are to be voted on by all voters within the school corporation. Three "residential districts" must be established for these members, with one residential district consisting of the township with the greatest population in the school corporation, and the remainder of the school corporation being divided into two remaining residential districts. The residential districts are to be created by the school board and are authorized to follow township lines. Of the three members elected under this provision, no more than one member may reside within a "residential district" at one time. The boundaries of both the election districts and the residential districts must be certified to the Indiana state board of education and the appropriate county election board. The school board may provide for the staggering of school board member terms by having some members chosen at the first school board election after the plan is adopted and other members at the second election after adoption of the plan. The school board fills any vacancy among its membership, subject to the residency requirements applicable to elected members. (IC 20-4-1-26.2, as amended by SEA 50, SECTION 1, and IC 20-4-1-27.1, as added by SEA 50, SECTION 2, Effective July 1, 1997.)

12. If a statute requires the submission of a petition to place a local public question on the ballot, the petition must state the residence address of each petitioner (as set forth in the county voter registration record), or the mailing address of the petitioner if no residence address is set forth on the record. (Former law only required the mailing address of the petitioner.) (IC 3-10-9-6, as added by HEA 1844, SECTION 240, Effective July 1, 1997.)



13. For a special election on a local public question, a county election board may, by unanimous vote of the board's entire membership, provide that the bipartisan membership requirement does not apply for absentee voter board in the special election on the local public question. The resolution may not be rescinded, and expires the day following the special election. (IC 3-11-10-36, as amended by HEA 1844, SECTION 309, Effective July 1, 1997.)

14. Except as expressly authorized by statute, the Indiana election commission, the election division, or a county election board may not authorize the printing or use of ballots that contain language concerning a public question other than the language authorized by a statute. (IC 3-11-2-15, as amended by HEA 1844, SECTION 263, Effective July 1, 1997.)

15. A local public question concerning pari-mutuel wagering at horse racing meetings or at satellite facilities in a county, shall be placed on the ballot if a petition requesting that the public question be placed on the ballot is: (1) filed with the circuit court clerk; and (2) signed by at least the number of registered voters required under state law to place a candidate on the ballot in the county. The public question must then be certified in accordance with IC 3-10-9-3, which specifies the deadline for the certifying a question to be placed on the ballot at the next election. (IC 4-31-4-3, as amended by HEA 1844, SECTION 413, Effective July 1, 1997.)

16. A local public question concerning the issuance of licenses to permit riverboat gambling in a county or in certain cities must be certified in accordance with IC 3-10-9-3, which specifies the deadline for the certifying a question to be placed on the ballot at the next election. (IC 4-33-6-19 and IC 4-33-6-20, as amended by HEA 1844, SECTIONS 414-415, Effective July 1, 1997.)

17. A local public question concerning the disposal or sale of nonsurplus property owned by a municipal utility must be certified by the city or town council to the county election board. The county election board shall adopt a resolution setting forth the text of the public question and submit the public question to the voters of the municipality on a date specified by the city or town council. (IC 8-1.5-2-5, as amended by HEA 1844, SECTION 425, Effective May 13, 1997.)

18. A local public question concerning the construction, acquisition, or condemnation of public utility property must be certified by the city or town council to the county election board. The county election board shall adopt a resolution setting forth the text of the public question and submit the public question to the voters of the municipality on a date specified by the town council. (IC 8-1.5-2-16, as amended by HEA 1844, SECTION 426, Effective May 13, 1997.)

19. The "land occupiers" in a soil and water conservation district may vote concerning whether to change the boundaries of the district, or whether to dissolve the district. The vote on this public question may be held only after a petition by the land occupiers is submitted to the soil conservation board, along with a joint resolution for approval by the supervisors of each district to be affected by any proposed boundary change. If the board determines that the petition should not be denied, the board must set a date for a vote on the public question concerning the proposed boundary change or dissolution of the district. The procedures for casting and counting ballots are specified. The board certifies the results of the election in the board's records. A petition of nomination procedure is established for the election of new supervisors to represent land occupiers within a district that has been reestablished to include additional territory. The procedures for the initial election of supervisors within the reestablished district are specified. (The former law setting forth the procedures for dissolving a soil and water conservation district has been repealed.) (IC 14-32-6.5, as added by HEA 1171, SECTION 35, Effective July 1, 1997. IC 14-32-6, repealed by HEA 1171, SECTION 43, Effective July 1, 1997.)

20. A local public question concerning the extension of park and recreation services must be certified by the county council to the county election board. The county election board (rather than the county council) shall give notice of the special election (IC 36-10-3-35, as amended by HEA 1844, SECTION 471, Effective July 1, 1997.)

VOTING SYSTEMS

1. The county auditor may not permit a lever voting machine to be unlocked for at least 60 days after an election unless the election division (rather than the Indiana election commission) requests to examine the lever voting machine. (IC 3-11-12-35, as amended by HEA 1844, SECTION 319, Effective retroactive to January 1, 1997.)

2. An application for voting system approval is valid for one year after the date of filing the application with the election division, and for any additional time considered necessary by the Indiana election commission. The commission may dismiss an application for voting system approval if the commission determines that an applicant has not promptly responded to inquiries from the commission and the election division concerning the system.

The commission may determine whether a computer language complies with the requirement for the voting system to have "high level programming language" for the ballot tabulation software associated with the logical and numerical operations on vote data.

The commission may not certify or recertify a voting system after June 30, 1997 unless the system is "Year 2000 compliant."

A voting system approved by the commission after July 1, 1997 cannot be marketed by a vendor in Indiana until the vendor provides for the escrow of the voting system's software and source codes in accordance with an agreement between the vendor and the election division.



An emergency voting system change may be made by a vendor or a county election official. The circuit court clerk or an individual authorized to act for the clerk or otherwise responsible for county election administration shall file a written request with the election division for approval of the emergency change. The election division (or a competent person authorized to act for the division) shall review the proposed change. The election division may approve an emergency voting system change on behalf of the Indiana election commission. However, this approval is void unless the vendor files a written memorandum detailing the change with the election division no later than 72 hours after the change is made.

The software or source code of a voting system may not be changed while an election is being conducted or during the canvassing of election results.

If a county election official or a vendor makes an emergency voting system change, the vendor shall make this change in the vendor's voting systems used in other Indiana counties not later than the recertification of the system by the commission, unless the vendor demonstrates to the commission that the change would be impractical or unnecessary in the other county voting systems.

If the vendor wishes to make a voting system change that is not an emergency voting system change, the vendor must file a written request for the change with the election division. The commission may approve the proposed change after the election division, or a competent person designated to act on behalf of the election division reports that the vendor has tested the proposed changes on a simulated mock-up version of the approved system. The current standards regarding ballot card voting systems and direct recording electronic voting systems are codified in state statute, and the existing administrative rules are voided and are to be deleted from the *Indiana Register*. The current definitions of "emergency voting system" and "testing authority" are codified in state statute. (IC 3-5-2-21.5, as added by HEA 1844, SECTION 8, Effective May 13, 1997. IC 3-5-2-48.5, as added by HEA 1844, SECTION 14, Effective July 1, 1997. IC 3-11-15, as added by HEA 1844, SECTION 332, Effective July 1, 1997.)

3. If an automatic tabulating machine for a ballot card voting system fails during the counting and tabulation of votes following the close of the polls, the county election board shall immediately arrange for the repair and proper functioning of the system. The county election board, by unanimous vote of the board's entire membership, may authorize the use of another automatic tabulating machine approved for use in Indiana by the election commission: (1) until the repair and retesting of the malfunctioning machine; and (2) whether or not the machine was pre-tested before election day. (IC 3-12-3-5, as amended by HEA 1844, SECTION 341, Effective July 1, 1997.)

4. A county election board must transmit a copy of the certification of the pre-election test of a ballot card voting system and a copy of any post-election audit of the system to the election division (rather than the Indiana election commission). The post-election audit must be filed by noon twelve days after the election. (IC 3-11-13-23 and IC 3-11-13-40, as amended by HEA 1844, SECTIONS 321 and 325, Effective retroactive to January 1, 1997.)

5. For direct recording electronic voting systems, the instructions for voting a straight party ticket or any required statement concerning votes for presidential electors may be posted at any location within the voting booth that permits the voter to easily read the instructions (rather than on the ballot face). (IC 3-11-2-10, as amended by HEA 1844, SECTION 258, Effective retroactive to July 1, 1996.)

6. The maximum real estate property tax levy a county may impose for a cumulative voting system purchase fund was reduced from five hundredths of a cent on each \$100 of assessed valuation to one and sixty-seven hundredths of a cent. (This amendment reduced the maximum tax rate for the fund to conform with the change in the assessed valuation of real property from 33.33% of true tax value to 100% of true tax value.) (IC 3-11-6-9, as amended by HEA 1783, SECTION 2, Effective March 1, 2000.)

7. A person may file a request for the examination of a voting machine with the election division (rather than the Indiana election commission). The election division (or a competent person designated by the commission to act on behalf of the election division) may examine a voting machine and report to the commission concerning the voting machine. The election division or the designated person may report to the commission that a change in a voting machine would not impair the system, and that a reapproval of the machine is not required. The former laws authorizing the commission to go anywhere in Indiana to examine a lever voting machine or an electronic voting system and requiring the commission to make an examination at the state capitol have been repealed.

The election division (rather than the commission) shall notify a county election board when the commission approves a ballot card voting system. A proposed change or improvement to a ballot card voting system shall be reported to the election division (rather than the commission). The election division or a designated person shall review the proposed change or improvement and report the results of the review to the commission. The election division or a designated person (rather than the commission) may examine a previously approved ballot card voting system to determine if the system still complies with the applicable standards. If the election division or the designated person determines that a ballot card voting system fails to comply with these standards, and the commission concurs in this finding, the commission may, by unanimous vote of its members, vote to rescind the commission's approval of the voting system. A circuit court clerk or county election board may also file a request with the election division (rather than the commission) for an investigation of the county's ballot card voting system. The commission may require a county executive to file copies of contracts, leases, and purchase orders for ballot card voting systems with the election division (rather than the commission).

The vendor of a ballot card voting system may file an application for recertification of the system with the election division (rather than the commission). The election division (rather than the commission) gives notice of the pending application to all county users of the voting system.

A person may file a request for the examination of an electronic voting system with the election division (rather than the Indiana election commission). The election division (or a competent person designated by the commission to act on behalf of the election division) may examine an electronic voting system and report to the commission concerning the electronic voting system.

The election division or the designated person may report to the commission that a change in a voting machine would not impair the system, and that a reapproval of the machine is not required. A proposed change or improvement to an electronic voting system shall be reported to the election division (rather than the commission). The election division or a designated person shall review the proposed change or improvement and report the results of the review to the commission. The election division or a designated person (rather than the commission) may examine a previously approved electronic voting system to determine if the system still complies with the applicable standards. If the election division or the designated person determines that an electronic voting system fails to comply with these standards, and the commission concurs in this finding, the commission may, by unanimous vote of its members, vote to rescind the commission's approval of the voting system. A circuit court clerk or county election board may also file a request with the election division (rather than the commission) for an investigation of the county's electronic voting system. The commission may require a county executive to file copies of contracts, leases, and purchase orders for electronic voting systems with the election division (rather than the commission). The vendor of an electronic voting system may file an application for recertification of the system with the election division (rather than the commission). The election division (rather than the commission) gives notice of the pending application to all county users of the voting system.

The remaining references to the "state election board" in provisions concerning the recertification of direct recording electronic voting systems have been replaced with references to the Indiana election commission. (IC 3-11-5-2, IC 3-11-5-3, IC 3-11-5-5, IC 3-11-7-13, IC 3-11-7-15, IC 3-11-7-17, IC 3-11-7-18, IC 3-11-7-19, IC 3-11-7.5-2, IC 3-11-7.5-5, IC 3-11-7.5-26, and IC 3-11-7.5-27, as amended by HEA 1844, SECTIONS 282-293, Effective retroactive to January 1, 1997, IC 3-11-7.5-28, as amended by SEA 7, SECTION 10, Effective April 28, 1997, and as amended by HEA 1844, SECTION 294, Effective May 13, 1997, IC 3-11-5-6 and IC 3-11-7.5-6, repealed by HEA 1844, SECTION 475, Effective May 13, 1997.)