

1996 Indiana Election Legislation Summary

Prepared by the Indiana Election Commission



This document summarizes the election-related legislation that passed the Indiana General Assembly and became law in 1996.

Two bills amended the election code (IC 3): SEA 55 (Public Law 2-1996), a technical corrections bill changing several references to the former State Election Board and its Executive Director; and HEA 1193 (Public Law 4-1996), an omnibus elections bill making numerous changes in election law.

Eight other bills affecting election law amended or added statutes *outside* of the election code: HEA 1003 (Public Law 17-1996), which amends IC 4 to provide for the expiration of the administrative rules of the Indiana Election Commission and other state agencies; (HEA 1385 (Public Law 24-1996), which amends IC 4 to provide for local public questions concerning pari-mutuel horse racing and horse racing satellite facilities, and imposes restrictions concerning these public questions and on riverboat referenda; SEA 208 (Public Law 101-1996), which amends IC 10 concerning national guard musters conducted before election day; SEA 164 (Public Law 154-1996), which amends IC 20 concerning the procedures for the reorganization of school corporations; SEA 220 (Public Law 209-1996), which amends IC 33 to clarify the procedure for filling a superior court vacancy in Allen County; SEA 423 (Public Law 215-1996), which amends IC 33 to provide for the creation and initial election for a new county court; SEA 221 (Public Law 68-1986) which amended several Code titles concerning the term of office of mayoral appointments.

To obtain a copy of these bills, contact the Legislative Information Center, 230 State House, 200 West Washington Street, Indianapolis, Indiana 46204; (317) 232-9856.

NOTE: On January 26, 1996, *federal* legislation was signed which provided: "Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship." (Public Law 104-99)

ABSENTEE BALLOT VOTING



1. A voter who has been mailed an absentee ballot, and notifies the county election board that the ballot has been destroyed, spoiled, lost, or not received by the voter, may obtain a replacement absentee ballot after the voter files a sworn statement with the election board. The statement must set forth the facts known by the voter concerning the loss or destruction of the original ballot. After the voter files the statement, the election board may issue the replacement absentee ballot to the voter and include information regarding the original absentee ballot in the certification of absentee ballots provided to the precinct inspector. After the voter receives the replacement ballot, the voter shall destroy any lost or delayed official ballot that the voter later receives. (IC 3-11-4-17.7, as added by HEA 1193, SECTION 67. Effective March 21, 1996.)



2. A voter who has marked an absentee ballot may return the ballot to the county election board by mail (with no envelope containing more than one ballot), or by delivery in person to the county election board. If the absentee ballot is delivered in person, the ballot may only be delivered by the voter, a member of the voter's household, or by a person who holds a power of attorney for the voter.

A person who knowingly receives an absentee ballot prepared for voting (other than a member of the voter's household, a person acting as the voter's power of attorney, or an election official authorized to receive the absentee ballot) commits a Class D felony. (IC 3-11-10-1 and IC 3-14-2-16, as amended by HEA 1193, SECTIONS 68 and 88. Effective March 21, 1996.)

BALLOTS, FORMS, SUPPLIES, AND RETENTION



1. Whenever candidates are to be nominated in a primary (or elected at a general election) to an office that includes more than one district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation of the district. Whenever candidates are to be nominated (or elected) for an office that includes both an at-large member and a member representing a district, the candidates for nomination or election as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district. These ballot order requirements also apply to candidates for school board office or to political party offices (such as precinct committeeman and state convention delegate) that are elected at the same time as the primary election is conducted.

If a retention vote is conducted for county-level judges, the retention questions shall be placed on the ballot in alphabetical order (according to the surname of the judge) and must identify the court (including the division or room) in which the judge serves. (IC 3-10-1-19.2 and IC 3-11-2-14, as added and amended by HEA 1193, SECTIONS 37 and 62. Effective March 21, 1996. IC 3-11-2-12.2, as added by HEA 1193, SECTION 61. Effective July 1, 1996.)

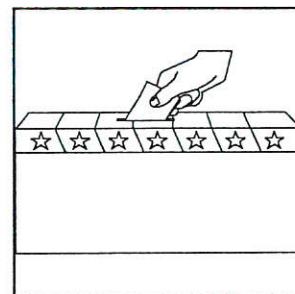


2. The ballot instructions for straight party ticket voting must contain an additional statement reading "If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot." If a ballot contains a candidate for a local nonpartisan judicial office or for a school board office, the ballot must also contain a statement reading "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name." The ballot instructions for write-in voting must contain an additional statement reading "To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote cannot be counted." The ballot instructions for a public question must contain the statement "To vote on this public question, make a voting mark on or in the square to the left of the word "YES" or "NO". (IC 3-11-2-10 and IC 3-11-2-14, as amended by HEA 1193, SECTIONS 60 and 62. Effective March 21, 1996. IC 3-11-2-15, as amended by HEA 1193, SECTION 63. Effective July 1, 1996.)

3. The ballot instructions for using a computerized direct recording electronic voting system may be placed in any location within the voting booth that permits the voter to easily read the instructions. (Former law only permitted these instructions to be placed on the ballot itself.) (IC 3-11-2-10, as amended by HEA 1193, SECTION 60. Effective March 21, 1996)

4. If a candidate entitled to be placed on the general election ballot changes the candidate's name after the general election ballots are printed, the candidate shall provide the appropriate election board with stickers indicating the candidate's current name. If the candidate declines to furnish the pasters, the election board is not required to reprint the ballots to reflect the name change. (IC 3-11-3-29, as amended by HEA 1193, SECTION 65. Effective March 21, 1996)

5. If a candidate is appointed to fill a vacancy on the ballot, a county or town election board may print ballots containing the name of the new candidate. If the election board determines that it is uneconomical or impractical to print new ballots, the political party appointing the new candidate shall provide pasters for the ballots to the election board. (Former law did not permit election boards to print new ballots in this situation.) (IC 3-11-3-29, as amended by HEA 1193, SECTION 65. Effective March 21, 1996.)



6. If a ballot vacancy occurs on the general election ballot due to the death of the candidate or for any other reason during the final thirty days before the election, and the ballot vacancy is not filled, the Indiana Election Commission (or a county or town election board) may order new ballots printed that omit the name of the candidate and contain the statement "NO CANDIDATE" or "CANDIDATE DECEASED". (Former law did not permit new ballots to be printed and only authorized the use of pasters in this case.) (IC 3-11-3-29.5, as amended by HEA 1193, SECTION 65. Effective March 21, 1996)

7. Looseleaf sheets used as a precinct poll list are no longer required to be fastened together between manila tag covers after the polls close. The poll list cover is no longer required to contain the certification by the election board that the inspector proclaimed the opening of the polls. (This certification has been transferred to another form approved by the Indiana Election Commission.) (IC 3-11-3-20, as amended by HEA 1193, SECTION 64. Effective July 1, 1996.)

8. In precincts using a punch-card ballot, the top stub of the ballot (and any second stub declined by the voter) shall be retained by the precinct election board and returned to the county election board at the close of the polls. Language has been added to several election code sections concerning the "top stub" and the "second stub" to clarify current practice in punch-card precincts. (IC 3-11-13-28.5, IC 3-11-13-33, and IC 3-11-13-34, as amended by HEA 1193, SECTIONS 70-72. Effective March 21, 1996.)

CAMPAIGN FINANCE



1. The Indiana Election Commission shall develop and use a computer system to store campaign finance reports from candidates, political action committees, and regular party committees that are filed with the Commission. This computer system must enable the Commission to identify all candidates or committees that received contributions from a contributor during the past three years, and all contributors to a candidate or committee over the past three years. The Commission must make campaign finance reports stored on this computer system available through an on-line service. The records contained on this computer system must be available for inspection and copying under the Public Records Law (IC 5-14-3).

The Commission is not required to have this computer system operational before April 1, 1997. During 1997, the computer system is only required to identify: (1) all candidates or committees that received contributions from a contributor during 1996; and (2) all contributors to a candidate or committee during 1996. During 1998, the computer system is only required to identify: (1) all candidates or committees that received contributions from a contributor during 1996 and 1997; and (2) all contributors to a candidate or committee during 1996 and 1997. (IC 3-9-4-4 and IC 3-9-4-5, as amended by HEA 1193, SECTIONS 33-34. Effective July 1, 1996. HEA 1193, SECTION 114. Effective Mar. 21, 1996.)



2. Certain contractors with the state lottery commission or its director (or an officer or political action committee of the contractor) may not make a contribution to: (1) a candidate for state office; or (2) a candidate's committee, a regular party committee, or a state legislative caucus committee after March 28, 1996 while a contract is in effect and during the three years following the expiration of the contract. A person who knowingly or intentionally violates this provision commits a Class D felony. (IC 4-30-3-19, as amended by HEA 1193, SECTION 89. Effective July 1, 1996. IC 4-30-3-19.5, as added by HEA 1193, SECTION 90. Effective Mar. 21, 1996.)

3. Certain contractors with the state lottery commission or its director (or a corporate officer or political action committee of the contractor) may not make a contribution to: (1) a candidate for state legislative office or a local office; or (2) a candidate's committee, a regular party committee, or a state legislative caucus committee; after March 28, 1996 while a contract is in effect and during the three years following the expiration of the contract. The person may not enter into these contracts if the person made a contribution to a candidate or committee within three years preceding the award of the contract. A person who knowingly or intentionally violates this provision commits a Class D felony. (IC 4-30-3-19, as amended by HEA 1193, SECTION 89. Effective July 1, 1996. IC 4-30-3-19.5, as added by HEA 1193, SECTION 90. Effective Mar. 21, 1996.)

4. A person holding a permit from the Indiana horse racing commission or a person with an interest in the permit holder may not make a contribution to: (1) a candidate for state office, state legislative office, or a local office; or (2) a candidate's committee, a regular party committee, or a state legislative caucus committee after June 30, 1996 while the permit holder holds the permit or during the three years after the final expiration or termination of the permit. A person who knowingly or intentionally violates this provision commits a Class D felony. (IC 4-31-13-3.5, as added by HEA 1193, SECTION 92. Effective Mar. 21, 1996.)

5. A person holding an owner's license or certain types of a supplier's license under the riverboat gambling law or a person with an interest in the licensee may not make a contribution to: (1) a candidate for state office, state legislative office, or a local office; or (2) a candidate's committee, a regular party committee, or a state legislative caucus committee after June 30, 1996 while the permit holder holds the license or during the three years after the final expiration or termination of the license. A person who knowingly or intentionally violates this provision commits a Class D felony. (IC 4-33-2-12 and IC 4-33-10-2.1, as added and amended by HEA 1193, SECTIONS 93-94. Effective Mar. 21, 1996.)

6. Under the newly enacted campaign finance statutes restricting contributions from a person: (1) with certain contracts with the state lottery commission or the director of the commission; (2) holding a permit from the Indiana horse racing commission; or (3) holding an owner's license or certain types of a supplier's license under the riverboat gambling law, it is an absolute defense to a prosecution under these statutes for the defendant to show that the defendant requested the return of a contribution made in violation of the statute within a reasonable period of time that the defendant knew that the contribution was in violation of the statute. A person who received a contribution that violates these statutes shall return the contribution upon request from a defendant, and is subject to a civil penalty to be levied under the Campaign Finance Act if the person fails to do so. The civil penalty shall be set by the Indiana Election Commission at three times the amount of the contribution that the person failed to return, plus the investigative costs incurred and documented by the Commission. (HEA 1193, SECTION 116. Effective Mar. 21, 1996 and expiring July 1, 2001.)

7. A person holding a permit from the Indiana horse racing commission or a person with an interest in the permit holder may not give any property to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question concerning pari-mutuel horse racing or the operation of satellite facilities in the county.

A person holding an owner's or supplier's license for a riverboat from the Indiana gaming commission (or a person with an interest in the licensee) may not give any property to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question concerning riverboat gaming in the county. A person who knowingly or intentionally violates these restrictions commits a Class D felony. (IC 4-31-13-19 and IC 4-33-10-2.5, as added by HEA 1385, SECTIONS 8 and 10. Effective July 1, 1996.)

8. The committee on campaign finance is established, and consists of the following members: (1) Four members of the Indiana house of representatives (two of each major political party); (2) Four members of the Indiana senate (two of each major political party); (3) Two citizen members appointed by the speaker (one from each major political party); (4) Two citizen members appointed by the president pro tempore of the senate (one from each major political party); (5) the state chairman of each major political party (or the chairman's designee); (6) two non-voting representatives of the media (one appointed by the speaker and one appointed by the president pro tempore).

The speaker and the president pro tempore each appoint a co-chair from amongst the legislative members. The affirmative vote of at least eight members are necessary to take most official actions. The committee must hold its first meeting not later than April 15, 1996, shall study and make recommendations to the general assembly regarding campaign finance, and issue a report to the legislative council after November 15, 1996, and before January 1, 1997. The commission shall be staffed by legislative services agency. (HEA 1193, SECTION 117. Effective Mar. 21, 1996.)

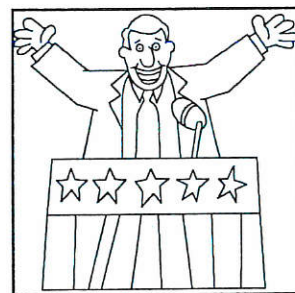
9. The Indiana Election Commission campaign finance enforcement account is established as a non-reverting account within the state general fund. (Under former law, this account was referred to in the campaign finance law, but not formally established.) (IC 3-6-4.1-24, as added by HEA 1193, SECTION 11. IC 3-9-4-16, as amended by HEA 1193, SECTION 35. Effective July 1, 1996.)

CANDIDATES



1. In Marion County only, a candidate for local office or state convention delegate during 1996 may withdraw as a candidate no later than noon 42 days before the primary election by filing a declaration of withdrawal with the circuit court clerk. (HEA 1193, SECTION 115. Effective retroactive March 1, 1996 and expiring September 1, 1996.)

2. Libertarian Party candidates for United States Representative, Indiana state senator, Indiana state representative, a local judicial office, and prosecuting attorney are nominated at the Libertarian Party state convention. Libertarian candidates for all county-level offices are to be nominated at a county convention of the party. (Former law did not specify how party candidates for these offices were nominated if a party was not entitled to conduct a primary election, but was no longer required to file petitions of nomination.) The chairman and secretary of the party's county convention must file a certificate of nomination with the circuit court clerk no later than noon August 1 listing the candidates nominated at the convention and including the candidate's consent to the nomination. (IC 3-8-4-10 and IC 3-10-2-15, as amended and added by HEA 1193, SECTIONS 25 and 45. Effective retroactive to January 1, 1996.)



CANVASSING AND RECOUNTS



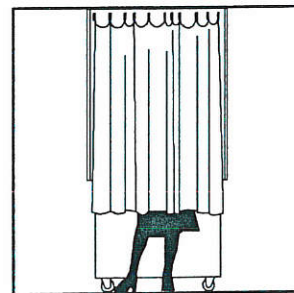
1. A candidate for election or nomination to a local or school board office may petition for a recount. If a candidate in a partisan race does not petition for a recount, the county chairman of a political party in the precinct in which the recount is desired may file a recount petition. (Former law permitted a voter to file for these recounts in some cases.)

The county chairman must file the recount petition no later than noon ten days after election day. Any other candidate may file a cross-petition for a recount no later than noon fourteen days after election day. (Former law required cross-petitions to be filed no later than noon ten days after election day.)

Identical procedures and deadlines apply to petitions to contest a nomination or election to a local or school board office. (IC 3-12-6-1, IC 3-12-6-2, IC 3-12-6-3, IC 3-12-6-4, IC 3-12-6-9, IC 3-12-6-18, IC 3-12-8-1, IC 3-12-8-5, as amended by HEA 1193, SECTIONS 73-80. Effective March 21, 1996.)

2. If a candidate for a federal or "statewide" office does not file a petition for a recount or contest to be conducted under the jurisdiction of the state recount commission, the state chairman of the candidate's political party may file a recount or contest petition. If a candidate for state legislative office does not file a petition for a recount or contest to be conducted under the jurisdiction of the state recount commission, the county chairman of the candidate's political party who resides in a county that is within the state legislative district may file a recount or contest petition.

The state chairman's or county chairman's petition for a recount or contest must be filed no later than noon ten days after election day. Any other candidate for these offices may file a cross-petition for a recount or contest with the secretary of state no later than noon fourteen days after election day. (Former law required cross-petitions to be filed no later than noon ten days after election day.) (IC 3-12-11-1, IC 3-12-11-2, IC 3-12-11-3, and IC 3-12-11-4, as amended by HEA 1193, SECTIONS 81-84. Effective Mar. 21, 1996.)



3. A voter who voted at an election on which a public question was on the ballot in the voter's precinct may file a petition for a recount of the votes cast on the public question. (Former law did not require a voter to have cast a ballot in the election to file a request for a recount on a public question.) (IC 3-12-12-1, as amended by HEA 1193, SECTION 85. Effective Mar. 21, 1996.)

ELECTION ADMINISTRATION



1. The governor must appoint one member of the Indiana election commission to be the vice-chair of the Commission. The vice-chair and the chair of the Commission may not be members of the same political party. An individual serving as vice-chair serves until the individual's term as a Commission member expires. If the chair of the Commission fails to call a meeting of the Commission, the vice-chair, with the written approval of the remaining two Commission members, may convene a meeting of the Commission. (IC 3-6-4.1-6 and IC 3-6-4.1-10, as amended by HEA 1193, SECTIONS 8-9. Effective July 1, 1996.)

2. The individuals serving as co-directors of the Indiana election commission on December 31, 1996 continue to serve as co-directors of the election division of the office of the Indiana secretary of state after December 31, 1996 with the same rights, duties, and conditions of employment that the individuals had as co-directors of the Commission. (P.L. 8-1995, SECTION 76, as amended by HEA 1193, SECTION 109. Effective Mar. 21, 1996.)

3. Most remaining references in the Indiana Code to the "state election board" are changed to refer to the "Indiana election commission." Most remaining references in the Indiana Code to the "executive director of the state election board" are changed to refer to the "co-directors of the Indiana election commission" or "NVRA official." (More than two hundred citations throughout IC 3, IC 9, IC 12, IC 16, and IC 36. SEA 55, SECTIONS 1, 2, 5, 6, 7, 9 through 17, 20 through 25, 27 through 31, 33 through 40, 43 through 60, 65, 67 through 70, 72 through 95, 97 through 212, 225 through 228, 234 through 244, 254 through 256, 287, and 288. Effective March 10, 1996.)

4. The election code sections concerning the subpoena power of the Commission, the administration of oaths by Commission members and employees, and the use of the state police to assist the Commission (which were repealed effective January 1, 1997 and relocated to IC 3-6-4.1 by legislation in 1995) were repealed effective Mar 21, 1996, but remain in effect under IC 3-6-4.1. (IC 3-6-4-26, IC 3-6-4-28, and IC 3-6-4-31, as repealed by HEA 1193, SECTION 106. Effective Mar. 21, 1996.)

5. The maps and descriptions of Indiana precincts maintained by the Commission shall be available for public inspection during regular office hours. (IC 3-6-4.1-14, as amended by HEA 1193, SECTION 10. Effective July 1, 1996.)

6. The former law which prohibited the national guard from conducting a muster during the five day period before a general or special election is repealed. National guard musters on election day remain prohibited, except in case of (or imminent danger of) riot, invasion, insurrection, or public disaster. (IC 10-2-4-16, as amended by SEA 208, SECTION 1. Effective Mar. 21, 1996.)

7. References in the Indiana Code to a federal statute or regulation concerning elections refers to the statute or rule as in effect on January 1, 1996. (IC 3-5-4-7 and IC 9-13-1-4, as amended and added by HEA 1193, SECTIONS 3 and 95. Effective retroactively to January 1, 1996; IC 9-13-1-3, as amended by HEA 1193, SECTION 95. Effective retroactive to January 1, 1995 and as repealed by HEA 1193, SECTION 105 (effective retroactive to January 1, 1996); IC 12-14-1.5-1.5, IC 12-14-25-1.5, IC 12-15-1.5-1.5, and IC 16-35-1.6-1.5, as added by HEA 1193, SECTIONS 98-101. Effective Mar. 21, 1996.)

8. The election schedules for federal, state, and local officials are updated to refer to the next election for those offices, and to add cross-references to federal statutes that schedule elections for that category of office. (IC 3-10-2-3, IC 3-10-2-4, IC 3-10-2-5, IC 3-10-2-6, IC 3-10-2-7, IC 3-10-6-2, and IC 3-10-6-5, as amended by HEA 1193, SECTIONS 39-44, and 46-47. Effective July 1, 1996.)

MUNICIPAL ELECTIONS



1. If there is a municipal election for at least one member of a city council or town council, only the voters who live in that city or town council district may vote for this city or town council seat, and there is no election for an office to be voted on by the **entire** city or town, then the county election board may, by unanimous vote, adopt a resolution providing that the municipal election will be held only within the city or town council district where there is a contest. If this resolution is adopted, the names of any **unopposed** candidates for office throughout the town (such as city mayor or town clerk-treasurer) will not be printed on the ballots used within the city or town council district. (IC 3-10-6-7.5 and IC 3-10-7-6, as amended by HEA 1193, SECTIONS 48 and 53. Effective July 1, 1996.)



2. In a town with a population of less than 3,500, the "town committee" of a major political party consists of two voters (instead of at least four precinct committeemen and vice-committeemen or other voters representing town precincts, as provided in former law). One town voter is designated by the county chairman of the party to serve as a member and as chairman of the town committee. The town committee chairman then appoints another town voter to serve as the second member and as secretary of the town committee. (The former laws providing that the chairman and secretary were elected by the committeemen and vice-committeemen at an organizational meeting of the town committee are repealed.) A town committee member serves at the pleasure of the official who appointed the member. A town committee chair vacates that office if the chair becomes a candidate for town office. Any vacancy on the town committee is filled by the appointing authority.



The former laws requiring the organization of the town committee no later than the first Saturday in July, that the town committee be organized by an individual appointed by the county chairman no later than the first Saturday in June, and establishing the procedure for notices and quorums at town committee meetings, are repealed. (IC 3-8-5-3, IC 3-8-5-10, and IC 3-10-7-1.5, as amended and added by HEA 1193, SECTIONS 26-27, and 49. IC 3-8-5-4, IC 3-8-5-5, IC 3-8-5-6, IC 3-8-5-7, IC 3-8-5-8, and IC 3-8-5-9, as repealed by HEA 1193, SECTION 106. Effective July 1, 1996.)

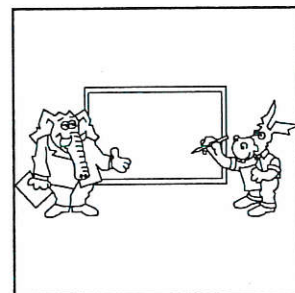
3. A person who files a declaration of candidacy as a major party candidate for office in a town with a population of less than 3,500 may withdraw the declaration of candidacy by filing a notice of withdrawal no later than noon, September 1. (Previous law did not specifically authorize a candidate in a small town election to withdraw, except in the case of candidates nominated by a town party convention.) (IC 3-8-5-10.5, as amended by HEA 1193, SECTION 28. Effective July 1, 1996.)

4. At a major party nominating convention in a town with a population of less than 3,500, the chairman of the party's town convention organizes and conducts the town convention. As the first order of business, the town party committee's secretary acts as chairman if the town chairman is unable or unwilling to do so. The secretary continues to act as chairman of the convention until a permanent chairman is elected from among the voters attending the convention.

Any number of voters may make a quorum for a small town convention. (The former law requiring that at least ten voters attend the convention if the town has a population of less than 1,000, and that at least twenty voters attend the convention if the town has a population of 1,000 or more, has been repealed.) (IC 3-8-5-12 and IC 3-8-5-14, as amended by HEA 1193, SECTIONS 29-30. Effective July 1, 1996.)

5. At a major party nominating convention in a town with a population of less than 3,500, the chairman of the party's town convention organizes and conducts the town convention. As the first order of business, the chairman must make the initial determination regarding which individuals are eligible to vote at the party's town convention. If an individual objects to this determination, the matter is put to the vote of all individuals whose eligibility is not questioned.

After any eligibility questions are resolved, the town chairman must distribute copies of proposed rules to the town convention. These rules must specify: (1) the voting method to be used to nominate candidates; (2) the method to be used for resolving any tie vote; (3) any method for removing candidates from consideration by the convention if no candidate receives a majority vote from all voters casting a ballot at the convention; and (4) the rights of nonvoting observers, media, candidate watchers, and others attending the convention. After these rules are adopted, the convention may then vote on the candidates to be nominated. (IC 3-8-5-12, as amended by HEA 1193, SECTION 29. Effective July 1, 1996.)



6. All questions regarding whether a declaration of candidacy, petition of nomination, write-in candidacy, or nomination by a town convention shall be referred to the town election board (or to the appropriate county election board in cases where the county is running the town's general election) to be resolved. The election board must rule on the validity of the candidacy no later than noon October 1. (IC 3-8-5-14.7, as added by HEA 1193, SECTION 31. Effective July 1, 1996.)

7. A town election board consists of the town clerk-treasurer and the town chairmen of the town committees of the two major political parties. (The former laws, which provided that the town clerk-treasurer appointed the remaining two election board members upon the recommendation of the appropriate county chairman by noon, August 6, and set forth deadlines for filling vacancies in town election boards, were repealed.) (IC 3-10-7-7 and IC 3-10-7-15, as amended by HEA 1193, SECTIONS 54-55. IC 3-10-7-8, IC 3-10-7-9, and IC 3-10-7-10, as repealed by HEA 1193, SECTION 107. Effective July 1, 1996.)

8. A town council, the town clerk-treasurer, and the members of political parties in a town have the same rights and powers, and perform the same duties, and are subject to the same requirements and penalties, as the county commissioners, circuit court clerk, or members of a political party in a town in which a general election is conducted by the county election board. (Former law did not explicitly state that all of the options available to county election administrators (such as combining precinct boards in small precincts, for example) were also available to town election officials. (IC 3-10-7-21, as amended by HEA 1193, SECTION 56. Effective July 1, 1996.)

9. No later than twenty-four days before a town election, the county voter registration office must provide a list of registered voters to the town election board to permit absentee voting. (IC 3-10-7-30, as amended by HEA 1193, SECTION 57. Effective July 1, 1996.)

10. Any voter who disagrees with a decision of the town clerk-treasurer or the town election board in conducting a town election may appeal the decision to the county election board of the county in which the greatest percentage of population of the town is located. (The former law setting a deadline of August 7 for this appeal has been repealed.) (IC 3-10-7-35, as amended by HEA 1193, SECTION 58. Effective July 1, 1996.)

11. A town with a population of less than 3,500 that is not located in Marion County may adopt an ordinance to conduct elections for town office during the non-presidential general election years. This ordinance must be adopted during the year before a municipal election is scheduled (In 1998, before the 1999 municipal elections, for example). The ordinance must provide that the town council members, the town clerk-treasurer, and any town court judge will be elected to three year terms at the next municipal election, and that the next persons elected to these offices would serve four year terms (For example, town council members would be elected in 1999 for a three year term (January 1, 2000-January 1, 2003. The next town council members would be elected at the general election in 2002 for four year terms beginning January 1, 2003.) If the town adopts this ordinance, the county election board shall conduct the municipal election for the town. The town may not repeal this ordinance until at least twelve years after the ordinance was adopted, and may not repeal the ordinance except in the year preceding the regularly scheduled municipal election. (The current law permitting certain towns to adopt an ordinance to conduct elections for town office during the presidential general election year has been repealed.) (IC 3-10-7-2.5, IC 3-10-7-2.7, IC 3-10-7-3, IC 33-10.1-3-1.1, IC 36-5-2-3, and IC 36-5-6-3, as amended and added by HEA 1193, SECTIONS 50-52 and 102-104. Effective July 1, 1996.)

OFFICEHOLDERS

1. A judge of the Allen County Superior Court who fails to file a nominating petition for reelection does not create a vacancy in that office to be filled before the expiration of the judge's term.) (IC 33-5-5.1-37, as amended by SEA 220, SECTION 21. Effective Mar. 21, 1996.)

2. Creates the office of judge of the Putnam County Superior Court. Provides for the initial election of the judge of this court in November 1996. Abolishes the Putnam County county court, and permits the judge of that court to serve as the initial judge of the Putnam County Superior Court from July 1, 1996 until December 31, 1996. (IC 33-5-38.3, as added by SEA 423, SECTION 2. Effective July 1, 1996. SEA 423, SECTION 7. Effective Mar. 21, 1996.)



3. An appointed board member of a political subdivision may serve for only 60 days after the expiration of the member's term, even if the appointing authority has not appointed a successor. (IC 36-1-8-10, IC 36-4-9-8, and IC 36-4-11-2, as amended by SEA 221, SECTIONS 4-6. Effective July 1, 1996.)

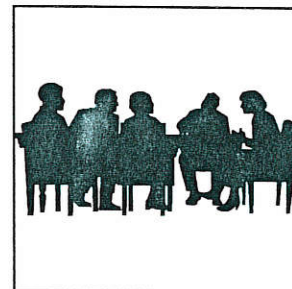
POLITICAL PARTIES



1. Unless otherwise provided in the political party's rules, the state committee of the party is the highest party authority and may adopt rules or resolutions concerning the organization and government of central committees and other party committees.

(The former laws that prescribed the internal government of a political party are repealed. (IC 3-6-1-12 and IC 3-6-1-13, as amended by HEA 1193, SECTIONS 4 and 5. Effective January 1, 1997; IC 3-13-1-6 and IC 9-18-15-13, as amended by HEA 1193, SECTIONS 86 and 97. Effective Mar. 21, 1996.)

2. The former laws: (1) requiring that both major political parties have state committees, congressional district committees, and county committees; (2) specifying a procedure for establishing major political party city committees; (3) prescribing the composition of the state committee, the congressional district committee, the county committee, the city committee, the precinct committee, and each central committee; (4) establishing the officers of each central committee and the election procedures for these officers; (5) permitting the appointment of additional officers and subcommittees of central committees; (6) establishing the procedure for filling a vacancy among the officers of a central committee; (7) setting the notice requirements for central committee meetings; (8) fixing the schedule for reorganizing the county committees, congressional district committees, and state committees beginning in March 1997; (9) establishing the eligibility of precinct committeemen and vice-committeemen to vote at organizational meetings, (10) specifying the procedures for the appointment and removal of precinct vice-committeemen, (11) determining which precinct committeemen serve as members of a city committee, and (12) authorizing a county chairman to fill any vacancies among precinct committeemen, are repealed.



The state committee of a major political party may adopt or amend its rules even before these repeals take effect so that the state committee can provide for the political party's internal organization and government. (IC 3-6-1-1, IC 3-6-1-2, IC 3-6-1-3, IC 3-6-1-4, IC 3-6-1-5, IC 3-6-1-6, IC 3-6-1-7, IC 3-6-1-8, IC 3-6-1-9, IC 3-6-1-10, IC 3-6-1-11, IC 3-6-1-11.5, IC 3-6-2-2, IC 3-6-2-3, IC 3-6-2-5, IC 3-6-2-6, IC 3-6-2-7, IC 3-6-2-8, and IC 3-6-2-9, as repealed by HEA 1193, SECTION 108. Effective January 1, 1997. HEA 1193, SECTION 110. Effective Mar. 21, 1996)

3. Precinct committeemen of a major political party may be elected at the May 1998 primary if the party's rules provide for this election. (Former law required committeemen to be elected in May 1998.) (IC 3-6-2-1 and IC 3-10-1-4.5, as amended by HEA 1193, SECTIONS 6 and 36. Effective January 1, 1997.)



4. Political party rules may specify whether an elected precinct committeemen continues to serve if the boundaries of the precinct are changed after the election of the committeeman. (IC 3-10-1-4.5, as amended by HEA 1193, SECTION 36. Effective January 1, 1997.)

POLLING PLACES AND PRECINCT WORKERS



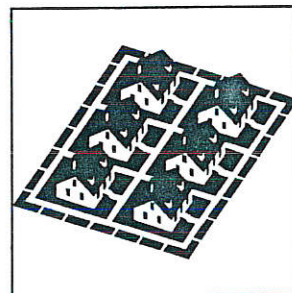
1. A triweekly newspaper of general circulation in a county may appoint a media watcher for each precinct. (Former law permitted daily, weekly, or semiweekly newspapers to appoint media watchers.) (IC 3-6-10-1, as amended by HEA 1193, SECTION 13. Effective July 1, 1996.)

2. A media watcher is not required to remain silent at the polling place. However, the media watcher remains subject to the orders of the precinct election board. (IC 3-6-10-5, as amended by HEA 1193, SECTION 14. Effective July 1, 1996.)

PRECINCTS



1. 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.)



2. The administrative rules concerning precinct boundary submission standards expire not later than January 1, 2002. (IC 4-22-2.5-2, as added by HEA 1003, SECTION 7. Effective July 1, 1996.)

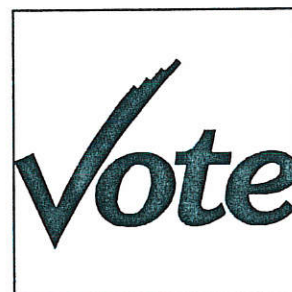
REGISTRATION



1. The notice sent by a county voter registration office to an individual who has applied for voter registration must state that the applicant will be registered to vote when the applicant receives this notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address. If the notice is returned, the county voter registration office shall deny the application. (The former law providing that a valid registration becomes effective fifteen days after the notice is mailed by the county voter registration office is repealed.) (IC 3-7-33-5, as amended by HEA 1193, SECTION 20. Effective July 1, 1996)



2. The duplicate voter registration elimination program is established. The Indiana Election Commission shall contract with a competent person to assist the Commission in implementing the program. The contract and the implementation of the program must comply with the National Voter Registration Act of 1993 (the federal NVRA law). The Commission shall pay all costs of the contract to implement the program (and a county is not required to pay any costs of this contract). The Commission may enter into the contract as a "special procurement" under state law, and in accordance with interim written guidelines adopted by the Commission.



The contractor is required to obtain voter registration information from all Indiana counties (whether this information is computerized or not). The contractor then must identify each "voter with duplicate registrations", meaning a voter who possibly is registered to vote at more than one address. The contractor must provide the Commission and each county with a list of voters with duplicate registrations that identifies the name, address, and other information concerning each such voter.

The contractor, before March 1 of each year, must mail postcards to each voter with duplicate voter registrations. The postcard must list the addresses at which the voter is believed to be registered, and ask the voter to state the voter's current address and authorize the cancellation of the voter's registrations at any other addresses. The postcard must inform the voter that if the postcard is not returned by April 1, that the voter may be classified as an "inactive" voter and be subject to removal from the registration rolls.

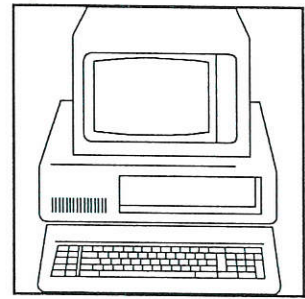
Before April 10, the contractor shall provide the commission with a list of voters who have returned the postcard and a list of voters who have not returned the postcard. The contractor shall also mail to each county lists of: (1) voters who have returned postcards and indicate that they reside in that county; (2) voters who have returned postcards and indicated that they reside in another county; and (3) voters who have not returned the postcards. Before May 1 of each year, the contractor shall send a second postcard to each voter who indicated that they reside in a county other than the county in which the voter is registered advising the voter about how to register to vote in the county where the voter now resides. The contractor shall also send a second postcard to each voter who did not return the first postcard, advising the voter that if the voter does not provide the voter's current residence address to the county voter registration office of the county where the voter resides before May 15 of that year, then the voter will be designated as an "inactive voter" who is subject to removal from the voter registration rolls after the next two general elections.

After a county voter registration office receives the three lists of voters with duplicate registrations from the contractor, the county voter registration office shall: (1) correct the address of voters who still live in that county, but reside at a different residence address than the address shown on the voter registration record; (2) cancel the registrations of voters who state that they now reside in another county; and (3) designate the voters who have not responded to the postcard as "inactive voters." If an "inactive voter" does not vote (or advise the county voter registration office to correct the voter's address) during the four period beginning when the first postcard was sent and ending on the day after the second general election after the postcard was sent, the county voter registration office shall cancel the registration of the inactive voter.

Before May 25 of each year, the county voter registration office shall provide the contractor with a list of all voters in the county, current as of May 15. The contractor is then required, before June 1 of each year, to assist the Commission in updating the statewide voter registration file to reflect the list provided by the county voter registration office. The Commission shall provide a list produced under the duplicate voter registration elimination program on magnetic media to the state committees of major political parties, certain other parties and candidates, the media, and the legislative leaders entitled to receive the statewide voter registration file, upon a request from any of those entities.

The former laws: (1) permitting the Indiana Election Commission to use the National Change of Address Service (NCOA) provided by the United States Postal Service (USPS); (2) requiring a county voter registration office to correct the voter registration list to reflect change of address information received from the NCOA; and (3) specifying the methods for county voter registration offices to remove the names of voters from the registration rolls based on the voter's failure to respond to an address confirmation notice; are repealed. (IC 3-5-2-1.7, IC 3-5-3-1, IC 3-7-26-3, IC 3-7-38.1, IC 3-10-1-31, and IC 3-14-2-6, as amended and added by HEA 1193, SECTIONS 1, 2, 15, 21, 38, and 87. HEA 1193, SECTION 113. Effective March 21, 1996. IC 3-7-38, IC 3-7-40-1, and IC 3-7-44, as repealed by HEA 1193, SECTION 108. Effective January 1, 1997.)

3. Beginning in 1997, a county voter registration office is only required to provide the Indiana Election Commission with a copy of the county's computerized voter registration information once a year (before noon, February 15, rather than in both February and July under former law). However, a second compilation of county voter registration information must be prepared during May of each year under the duplicate voter registration elimination program. The former law requiring the submission of an additional county voter registration tape before a special election for U.S. Congress is repealed. (IC 3-7-26-4, as amended by HEA 1193, SECTION 16. IC 3-7-26-5 and IC 3-7-26-6, as repealed by HEA 1193, SECTION 108. Effective January 1, 1997.)



4. If a county official responsible for maintaining the county's computerized voter registration fails to perform the official's duties under the statewide voter registration file law or the new duplicate voter registration elimination program law, the county shall pay the Commission's costs in obtaining the voter registration information from the county necessary for the Commission to develop the statewide file or to conduct the duplicate voter registration elimination program. (Former law provided that the official committed a Class B infraction for failing to comply with the official's duties under the statewide voter registration file law.) (IC 3-7-26-17, as amended by HEA 1193, SECTION 19. Effective March 21, 1996.)

5. The Indiana Election Commission shall provide a complete compilation of the information submitted by county voter registration offices for the statewide voter registration file to: (1) the speaker of the Indiana house of representatives; (2) the minority leader of the Indiana house of representatives; (3) the president pro tempore of the Indiana senate; and (4) the minority leader of the Indiana senate. (IC 3-7-26-10 and IC 3-7-26-11, as amended by HEA 1193, SECTIONS 17-18. Effective March 21, 1996.)



6. The state department of health shall report to each county the names, ages, and known residence addresses of all persons who: (1) died outside of Indiana during the last three months; and (2) had resided in the county within the two years. This information shall include the names supplied to the state department of health from health departments in other states, and shall be included in the quarterly reports currently sent to Indiana counties by the state department of health.

The Indiana state department of health shall negotiate with health departments in other states to acquire information about Indiana residents who have died in other states, and may offer to share similar information with those states. (IC 3-7-45-2, as amended by HEA 1193, SECTION 22. IC 3-7-45-5, as added by HEA 1193, SECTION 24. Effective March 21, 1996.)

7. A county voter registration office shall cancel the registration of a deceased person not later than thirty days after receiving a copy of the deceased person's death certificate. The county voter registration office may require additional written information before canceling the registration if the information in the death certificate is insufficient to identify the voter whose registration is to be canceled. If additional information cannot be obtained to resolve the question, then the county voter registration office is not required to cancel the registration. (Although this statute refers to "the circuit court clerk" it would apply to whichever board or officer performs voter registration functions in a county.) (IC 3-7-45-4, as added by HEA 1193, SECTION 23. Effective March 21, 1996.)

8. The procedures permitting certain voters who have moved from one precinct to another precinct within; (1) the same county; and (2) the same congressional district to return to their precincts of former residence and vote one last time there (subject to some special restrictions in municipal election years) are effective retroactively to January 1, 1995. (Former law delayed the effective date of these procedures to December 1, 1996.) (HEA 1193, SECTION 111. Effective retroactive January 1, 1995.)

9. The remaining references to "deputy registration officers" in the election code, and other statutes concerning the functions of deputy registration officers, were repealed. (IC 3-6-11-5, IC 3-7-14-12, IC 3-7-15-14, IC 3-7-16-21, IC 3-7-18-13, IC 3-7-22-8, IC 3-7-24-10, IC 3-7-32-1, IC 3-7-32-5, IC 3-7-34-5, IC 3-7-34-7, IC 3-7-34-9, IC 3-7-39-3, as amended by SEA 55, SECTIONS 8, 18, 19, 26, 32, 41, 42, 61 through 64, 66, and 71. Effective March 10, 1996; IC 3-7-25, IC 3-7-31-7, IC 3-7-32-3, IC 3-7-32-6, IC 3-7-47, as repealed by SEA 55, SECTION 297. Effective March 10, 1996.)

10. The administrative rules concerning absentee registration expire not later than January 1, 2002. (IC 4-22-2.5-2, as added by HEA 1003, SECTION 7. Effective July 1, 1996.)

SPECIAL ELECTIONS, SCHOOL BOARD ELECTIONS, AND REFERENDA

1. A county council (or city-county council) may require the voters of the county to approve the holding of pari-mutuel horse racing meetings in the county before a permit to hold the meetings may be issued. A county council may require the voters of the county to approve the operation of a satellite facility in the county before a license to operate a satellite facility in the county may be issued. The voters of the county must approve these activities before a permit to conduct them on public property in the county may be issued. If the voters of a county reject a local public question to authorize pari-mutuel racing, a satellite facility, or riverboat gambling in the county, a second public question on the issue may not be put to the county voters for another two years. If the second question on this issue is rejected, a third question may not be put to the voters of the county for a third time for another ten years. (This restriction does not apply to riverboat referenda in cities in Lake County.) (IC 4-31-4-1.3, IC 4-31-4-2, IC 4-31-4-2.5, IC 4-31-4-2.7, IC 4-31-4-3, IC 4-31-5-6, IC 4-31-5.5-3, and IC 4-33-6-19, as added and amended by HEA 1385, SECTIONS 1-8, and 10. Effective Mar. 21, 1996.)

2. The text of the ballot question for the adoption of two state constitutional amendments (victims of crime and investment of state retirement funds) is specified. (HEA 1193, SECTION 112. Effective Mar. 21, 1996.)

2. A consolidated school corporation, county school corporation, or a metropolitan school corporation by reorganized as a community school corporation by petitioning directly to the state board of education. If the school corporation uses this procedure, the school is not required to seek approval of the reorganization from the county school reorganization committee. The state board of education can waive standards applicable to community school corporations for a school that wishes to reorganize using this method. (IC 20-4-5-24.5, as added by SEA 164, SECTION 2. Effective March 10, 1996.)

VOTING SYSTEMS

1. The Indiana voting systems advisory committee is abolished. (IC 3-11-4.5, as repealed by HEA 1193, SECTION 106. Effective Mar. 21, 1996. IC 3-6-4-25 and IC 3-11-12-35, as amended by HEA 1193, SECTIONS 7 and 69. Effective March 21, 1996. IC 3-6-4.2-10, as amended by HEA 1193, SECTION 12. Effective January 1, 1997.)

2. The administrative rules concerning standards for Indiana voting systems expire not later than January 1, 2002. (IC 4-22-2.5-2, as added by HEA 1003, SECTION 7. Effective July 1, 1996.)

