



2008 Indiana Election Legislation Summary

Prepared by the Indiana Election Division

This document summarizes the election-related legislation that passed the Indiana General Assembly and became law in 2008. Bills may be obtained by contacting the Legislative Information Center at 200 West Washington Street, Room 230, Indianapolis, Indiana 46204-2731; (317) 232-9856, or by downloading documents from the General Assembly's website at www.in.gov/legislative.

This document is intended to serve as an overview of information concerning Indiana election laws. Although the Election Division takes every effort to ensure the accuracy of the information in this document, **where your legal rights are involved, do not rely on this document. Instead, review the law yourself or consult with your attorney.**

The 2008 Regular Session of the Indiana General Assembly enacted the following election-related bills:

Public Law 37-2008 (Senate Enrolled Act 281): Felony Conviction and Service in Office
Public Law 108-2008 (House Enrolled Act 1071): Voting System Reimbursement and Vote Centers
Public Law 115-2008 (Senate Enrolled Act 72): Date When State Treasurer Takes Office
Public Law 128-2008 (House Enrolled Act 1001): State Budget
Public Law 147-2008 (Senate Joint Resolution 1): Constitutional Amendment Public Question

The following bills made technical (or non-election related) amendments to Indiana election statutes:

Public Law 3-2008 (House Enrolled Act 1137): Technical Corrections
Public Law 127-2008 (House Enrolled Act 1096): Courts

POLLING PLACES, POLL WORKERS and PARTISAN WORKERS

Vote Centers

The Vote Center Pilot Program authorized by the General Assembly during its 2006 session was extended through December 31, 2010. The two previous counties designated by the Secretary of State as vote center pilot counties (Tippecanoe and Wayne Counties) were automatically redesignated as vote center pilot counties under the program. The General Assembly authorized the Secretary of State to designate one additional pilot county to implement vote centers. A county interested in being designated a vote center county is required to apply no later than March 17, 2008 and the Secretary of State must act on any application by April 1, 2008. If the Secretary of

State designates another county as a pilot county then that designation is effective June 1, 2008. The Secretary of State acted as authorized by this new legislation and designated Cass County as a pilot county.

(SEA 1071 §§ 1, 3 and 4; Effective dates: Various; Citations affected IC 3-5-2-49.9 [effective March 21, 2008]; IC 3-11-18-20 [effective March 21, 2008]; noncode [effective retroactive January 1, 2008])

CANDIDATES AND OFFICEHOLDERS

County Board of Tax and Capital Projects Review is Abolished

The County Board of Tax and Capital Projects Review, created during the 2007 session of the General Assembly, is abolished and will not be on the ballot in 2008.

(HEA 1137 §§ 1 and 269; Effective date: March 13, 2008; Citations affected: IC 3-8-1-23.4 [new]; IC 3-8-1-23.5 [repealed])

(HEA 1001 § 735; 756; 801; 807; 810; 815; Effective date; March 19, 2008 unless otherwise noted; Citations affected: IC 3-8-1-23.4 [repealed]; IC 3-8-1-23.5 [repealed]; IC 3-11-2-12.8 [repealed]; IC 6-1.1-20-3.4 [repealed]; IC 6-1.1-29-1.5 [repealed]; IC 6-1.1-29-2.5 [repealed]; IC 6-1.1-29.5 [repealed]; IC 20-45-2-3 [repealed effective January 1, 2009]; IC 20-45-4 [repealed effective January 1, 2009]; IC 20-45-6-2 [repealed effective January 1, 2009]; IC 36-7-14-27.5; IC 36-7-15.1-26.9; IC 36-12-14 [repealed])

Township Assessors: Transfer of Functions; Referenda; Qualifications

In most townships, the role of the assessor is one of several duties performed by the township trustee. In these townships, the township assessor is not a separate elected office.

In townships that have a population of more than 5,000, the separate office of township assessor could have been created by act of the township board. The office of township assessor was created by state law in townships with a population of more than 8,000

For certain townships, the property assessment functions previously performed by a township assessor will be transferred to the county assessor. Effective July 1, 2008 the county assessor shall perform the assessment duties in a township in which the number of parcels of real property on January 1, 2008, was less than fifteen thousand (15,000) parcels.

Township assessors in townships with more than 15,000 parcels of real property will continue to perform their assessment functions, subject to a referendum vote to be held during the election on November 4, 2008. The public question to be submitted to the voters in these townships on November 4, 2008 must read as follows:

"Should the assessing duties of the elected township assessor in the township be

transferred to the county assessor?"

Before April 15, 2008, each county auditor shall certify the name of each township in the county in which the number of parcels of real property on January 1, 2008 was at least fifteen thousand (15,000) to the county assessor, the county executive (county commissioners or Mayor of Indianapolis), the county fiscal body (county council or city-county council in Marion County), and the county election board. The county commissioners shall act under IC 3-10-9-3 to certify the above described public question to the county election board by noon August 1, 2008. The county election board shall publish notice of the public question no later than October 25, 2008.

After the votes on the public question have been counted the circuit court clerk shall certify the results of the election on the public question to the county commissioners who shall notify the department of local government finance of the results.

If a majority of the voters voted yes on the public question the county commissioners shall promptly notify the county assessor, the township assessor (and any candidate running for township assessor in 2008) of the results. In addition, if a majority of the voters voted yes on the public question then the assessment duties are transferred to the county assessor effective January 1, 2009.

If a township that is required to conduct a referendum is also conducting an election for a new township assessor on November 4, 2008 and a majority of voters vote "yes" on the public question then the results of the election for township assessor are nullified and the township assessor's office in that township would cease to exist December 31, 2008.

If a majority of voters voted "no" on the public question then the township assessor continues to perform the assessment duties for the township.

If a township that is required to conduct a referendum is also conducting an election for a new township assessor on November 4, 2008 and a majority of voters vote "no" on the public question then the newly elected township trustee will take office January 1, 2009 and perform the assessment duties of the township.

Since most of the township assessors were elected in 2006 at the same time other township offices were elected, the terms of these township assessors are scheduled to expire at the end of 2010. If a township assessor was elected or selected to fill a vacancy and their term has not expired at the time assessment duties are transferred to the county assessor due to the number of parcels of real property on January 1, 2008, being less than fifteen thousand (15,000) or due to the duties of the township assessor being transferred after a referendum described above, the township assessor is entitled to remain in office until the end of the term to which the individual was elected or selected. The sole duty of the individual in this situation is to assist the county assessor in the transfer of records and operations to the township assessor to the county assessor. However, the vacancy filling provisions in IC 3-13-11 do not apply to a vacancy in the office of elected township assessor that occurs after March 19, 2008 and before July 1, 2008 in a township in which the number of parcels of real property on January 1, 2008 is less than fifteen thousand (15,000).

Under current law, a candidate who runs for the office of township assessor must have attained the certification of a level two assessor-appraiser before taking office. If the person elected to the office of township assessor has not attained the certification of a level two assessor-appraiser as provided in IC 3-8-1-23.6 before the date the term of office begins, the assessment duties of the township assessor are transferred to the county assessor on that date and the office of township assessor remains vacant.

If the assessment duties of a township assessor are transferred to the county assessor because the candidate did not obtain the required certification of a level two assessor-appraiser before taking office, the assessment duties may be transferred back to the township assessor if, at a later election, a candidate who has attained the required level of certification is elected to the office of township assessor.

A person who runs in an election after January 1, 2012, for the office of township assessor under IC 36-6-5-1 must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office. For elections occurring after January 1, 2012, if the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser as provided in IC 3-8-1-23.6 before the date the term of office begins, the assessment duties of the township assessor are transferred to the county assessor on that date and the office of township assessor remains vacant.

If the assessment duties of a township assessor are transferred to the county assessor because the candidate did not obtain the required level three assessor-appraiser certification level before taking office, the assessment duties may be transferred back to the township assessor if at a later election a person who has attained the required level of certification is elected to the office of township assessor.

(HEA 1001 §§ 3, 693, 694, 695, 696, 697, 698, 710, 802; 818; 832, 833, 834, 835; Effective Date: March 19, 2008 unless otherwise noted; Citations affected: IC 3-8-1-23.6; IC 3-10-2-14 [repealed effective July 1, 2008]; IC 6-1.1-35.5-9; [repealed effective July 1, 2008]; IC 36-2-15-5 [effective July 1, 2008]; IC 36-2-15-7.4 [new section effective July 1, 2008]; IC 35-2-15-8 [new section effective July 1, 2008]; IC 36-2-15-9 [new section effective July 1, 2008]; IC 36-2-15-10 [new section effective July 1, 2008]; IC 36-2-15-11 [new section effective July 1, 2008]; IC 36-6-5-1 [amending Section 262 of HEA 1137 listed below]; IC 36-6-5-2 [repealed effective July 1, 2008]; noncode [Section 832 effective July 1, 2008]; noncode [Section 833], noncode [Section 834]; noncode [Section 835])

(HEA 1137 § 32, 261 and 262; Effective Date: March 13, 2008; Citations affected: IC 6-1.1-1-24; IC 36-2-15-5; IC 36-6-5-1)

Removal of Officeholder for Felony Conviction

In general, state law provides that a person with prior felony conviction is not qualified to **be a candidate for or assume an elected office**. This provision does not apply to a candidate for a federal office.

This law was clarified in two respects. First, the term “felony” was defined as a conviction where a person might have been imprisoned for **more than** one (1) year (prior law had defined felony as a conviction where the penalty might include imprisonment for “at least” one year).

Second, the law was also clarified that the person would remain disqualified even though the felony was subsequently reduced to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 if the reduction occurred **after**: (1) the jury announced its verdict against the person for a felony; (2) the court has announced its verdict against the person for a felony; or (3) the person has pleaded guilty or nolo contendere to a felony.

In addition, any state, county, township, city or town officeholder who is convicted of a felony is **removed from office by operation of law upon being convicted of a felony**. The law was clarified to indicate that the person is removed by operation of law when: 1) in a jury trial, a jury publicly announces a verdict against the person for a felony; 2) in a bench trial, the court publicly announces a verdict against the person for a felony; or 3) in a guilty plea hearing, the person pleads guilty or nolo contendere to a felony (former law contained a statute repealed by this legislation that contained a conflicting provision which indicated the person was removed by operation of law upon being **sentenced** for a felony).

If the conviction is for a felony **other than a felony arising out of an action taken in the public officer's official capacity**, and that penalty is subsequently reduced to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5, then the public officer shall be reinstated and shall receive any salary the officer would have received had the officer not been removed from office. Otherwise, for a felony arising out of an action taken in the officers official capacity the person would remain unqualified for reinstatement or salary even where the felony was subsequently reduced to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 if the reduction occurred **after**: (1) the jury announced its verdict against the person for a felony; (2) the court has announced its verdict against the person for a felony; or (3) the person has pleaded guilty or nolo contendere to a felony.

(SEA 281 §§ 12, 3 and 4; Effective dates: July 1, 2008; Citations affected IC 3-8-1-5; IC 5-8-1-38 [new]; IC 36-4-5-9; IC 5-8-1-37 [repealed])

VOTING SYSTEMS

Voting System Purchase Reimbursement

A county that has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system may apply for reimbursement for the purchase of a new voting system if the purchase is eligible for reimbursement under the Help America Vote Act (HAVA).

HAVA money received by the state after December 31, 2007 shall be allocated to reimburse Boone, Cass, Parke and Randolph Counties for the purchase of new voting systems.

As the state's chief election official, the Secretary of State shall petition the federal Election Assistance Commission for authority to use HAVA money to reimburse these counties.

The sum of one hundred twenty-five thousand two hundred dollars (\$125,200) from the state general fund is appropriated to the state election administration assistance beginning July 1, 2008, and ending June 30, 2010 as state matching funds under HAVA for any money granted to the state by the federal government after December 31, 2007.

(SEA 1071 §§ 2, 5 and 6; Effective dates: March 21, 2008; Citations affected IC 3-11-6.5-4; noncode)

PUBLIC QUESTIONS AND REFERENDA

Statewide Public Questions

The General Assembly passed a joint resolution to place a public question on the ballot which would, if passed by a majority of voters of Indiana would establish constitutional property tax caps on taxes due and payable in 2012 and thereafter as follows: 1) 1% of the gross assessed value for property (including personal property like a mobile home) used by a taxpayer as a principal place of residence; 2) 2% of gross assessed value for other residential property (for example- rental property); 3) 2% of gross assessed value on agricultural land; 4) 3% of gross assessed value for business property; and 5) 3% of the gross assessed value of the taxpayer's personal property other than property used as a principal place of residence. However, property taxes imposed after being approved by the voters in a referendum shall not be subject to these tax caps.

This proposed amendment has not been previously agreed to by the General Assembly so, before it becomes law, the resolution must be approved by the 2009 or 2010 General Assembly and ratified by a majority of the state's voters voting on the joint resolution as a public question on the ballot. If enacted by the General Assembly during its next session, and approved by a majority vote of the voters in the 2010 general election, the property tax caps would become part of the Indiana Constitution.

(Senate Joint Resolution 1; Effective Date: March 19, 2008)

Public Questions on Controlled Projects

A political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a capital project that meets the definition of a "controlled project" without following specific procedures that may lead to the placement of a public question on the ballot on whether the property taxes should be imposed.

A controlled project includes one of the following:

(1) A school building, for students Kindergarten through 8th grade only, that will cost more than ten million dollars (\$10,000,000);

(2) A school building, for students grade 9 through grade 12 only, that will cost more than twenty million dollars (\$20,000,000); or

(3) Any other capital project that is not listed in (1) or (2) that will cost the political subdivision more than the lesser of twelve million dollars (\$12,000,000) or an amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date if that amount is at least one million dollars (\$1,000,000).

A political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of this new law providing for a process to place a public question regarding approval of the capital project on the ballot.

Before a political subdivision may impose property taxes to pay debt service on bonds or lease rentals on a controlled project the proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1 and send notice by first class mail to any organization that delivers to the officers, before January 1 of that year, an annual written request for notices of any meeting to consider the adoption of an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease. After notice is provided, the political subdivision shall conduct a public hearing with respect to making a preliminary determination before adoption of the ordinance or resolution. The political subdivision must make the specific information about the fiscal impact of the controlled project available at the public hearing.

If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease for a controlled project, the officers shall give notice of the preliminary determination by publication in accordance with IC 5-3-1 and send notice by first class mail to any organization entitled to notice of the public hearing as described above. A copy of this notice must also be filed with the county auditor. The notice must include specific information about the fiscal impact of the bonds or lease for the controlled project and include a statement that the proposed debt service or lease payments must be approved in an election on a local public question.

Petitioners have no more than 30 days, after publication of the preliminary determination to issue bonds or enter into a lease for a controlled project, to file petitions (on forms designed and provided by the state board of accounts) with the county voter registration office requesting that the preliminary determination be placed on the ballot as a public question. Petitions must be filed with signatures of the lesser of: 1) one hundred (100) persons who are either **owners of real property** within the political subdivision **or registered voters** residing within the political subdivision; or 2) five percent (5%) of the **registered voters** residing within the political subdivision.

Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of real property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as a real property owner must indicate the address of the real property owned by the person in the political subdivision. A person is entitled to sign a petition only one (1) time in a particular referendum process under this chapter, regardless of whether the person owns more than one (1) parcel of real property within the political subdivision and regardless of whether the person is both

a registered voter in the political subdivision and the owner of real property within the political subdivision.

The county voter registration office shall determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least one hundred twenty-five (125) persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters.

If the county voter registration office does not determine that at least one hundred twenty-five (125) persons who signed the petition are registered voters, the county voter registration office, not more than fifteen (15) business days after receiving a petition, shall forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying: 1) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of real property in the political subdivision; and 2) whether a person who signed the petition as an owner of real property within the political subdivision does in fact own real property within the political subdivision.

Not more than ten (10) business days after the county voter registration office determines that at least one hundred twenty-five (125) persons who signed the petition are registered voters, or not more than ten (10) business days after receiving the statement regarding the number of property owners on the petitions from the county auditor, **the county voter registration office shall make the final determination of whether a sufficient number of persons have signed the petition.** The county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter.

After making its determination whether a sufficient number of persons have signed the petition, the county voter registration office must file each petition and a certificate setting forth the number of petitioners who are owners of real property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision with: 1) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or 2) the political body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township.

The county voter registration office must file this certificate within thirty-five (35) business days of the filing of the petition requesting the public question. However, if a petition is presented to the county voter registration office within thirty-five (35) days before an election, the county voter registration office may defer acting on the petition, and the time requirements set forth above do not begin to run until five (5) days after the date of the election.

If a sufficient petition requesting a public question is not filed by owners of real property or registered voters, the certificate filed by the county voter registration office must state that the political subdivision may issue bonds or enter into a lease for the controlled project by following the provisions of law relating to the bonds or leases.

If a sufficient petition requesting a public question has been filed, the county auditor shall certify the following public question pursuant to IC 3-10-9-3 to the county election board of each county in which the political subdivision is located:

"Shall _____ (insert the name of the political subdivision) issue bonds or enter into a lease to finance _____ (insert the description of the controlled project)?".

After the public question is certified, the county election board shall place the public question on the ballot at the next primary election, general election, or municipal election in which all voters of the political subdivision are entitled to vote. However, if a primary election, general election, or municipal election will not be held in the six (6) month period after the county auditor certifies the public question, the public question shall be placed on the ballot at a special election if the fiscal body of the political subdivision that wishes to issue the bonds or enter into the lease requests the public question to be voted on in a special election. Under these circumstances, the special election to be held no earlier than ninety (90) days and no later than one hundred twenty (120) days, after the public question is certified .

However, in a year in which a general election or municipal election is held, the public question may be placed on the ballot at a special election only if the fiscal body of the political subdivision that requests the special election agrees to pay the costs of holding the special election. In a year in which a general election is not held and a municipal election is not held, the fiscal body of the political subdivision that requests the special election is not required to pay the costs of holding the special election.

A special election conducted under this subsection is under the direction of the county election board in accordance with IC 3. The county election board shall publish notice of the special election as provided under IC 5-3-1. The circuit court clerk shall certify the results of the public question to the county auditor of each county in which the political subdivision is located and the department of local government finance.

The political subdivision may issue the proposed bonds or enter into the proposed lease rental for the controlled project if a majority of the voters voting on the public question vote in favor of the public question. However, if a majority of the voters voting on the public question vote in opposition to the public question, then both of the following apply: 1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental for the controlled project; and 2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than one (1) year after the date of the election.

Controlled projects that are not subject to a referendum are subject to the petition and remonstrance process (see 2007 legislative summary for an explanation of the petition and remonstrance process).

(HEA 1001 §§ 193 and 194; Effective Date: March 19, 2008; Citations affected: IC 6-1.1-20-3.5 [new]; IC 6-1.1-20-3.6)

Effect of Taxes Approved by Public Question on Tax Caps

The General Assembly passed major property tax reform during its 2008 session creating and phasing in various caps and credits on property taxes. However, property taxes imposed after being approved by the voters in a referendum or local public question shall not be considered for purposes of calculating the credits to implement the caps.

In addition, a school corporation no longer needs the approval of the School Property Tax Control Board or the Department of Local Government Finance before holding a referendum concerning a referendum tax levy. A school corporation may hold a referendum on whether a referendum tax levy should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the new tax credits.

(HEA 1001 §§ 222, 223, 495, 496 and 497; Effective Date as indicated; Citations affected: IC 6-1.1-20.6-7.5 [new effective March 19, 2008]; IC 6-1.1-20.6-7 [effective retroactive January 1, 2008]; IC 20-46-1-8 [effective July 1, 2008]; IC 20-46-1-9 [effective July 1, 2008]; IC 20-46-1-12 [effective July 1, 2008])

MISCELLANEOUS TECHNICAL CHANGES

Legislation Affecting Courts or Creating New Courts

New courts have been created in the following counties:

1. The **Franklin County** circuit court is expanded from one circuit court to two circuit courts effective January 1, 2009. The new circuit court judge position will be elected November 4, 2008 for a term beginning January 1, 2009 through December 31, 2014. . A political party may nominate a candidate for circuit court judge using the candidate vacancy provisions under IC 3-13-1. Other candidates may qualify under IC 3-8-6 by filing petitions as an independent or minor party candidate.

(HEA 1096 § 11 and 22; Effective date: July 1, 2008; Citations affected: IC 33-33-24-1; noncode [Section 22])

2. The **Madison County** superior court is expanded from three to five superior courts effective January 1, 2009. The fourth and fifth judges of the Madison County superior court shall be the two persons who are elected Madison county court judges on November 4, 2008.

The initial elections of the fourth and fifth judges for the Madison County superior court shall take place at the general election on November 4, 2014. The terms of the fourth and fifth judges of the Madison County superior court elected in November 2014 begin January 1, 2015.

The county court in Madison County is abolished effective January 1, 2009. Provisions are made for the transfer of cases from the county court to superior court.

(HEA 1096 § 14, 21 and 23; Effective date: July 1, 2008 except as otherwise noted; Citations affected: IC 33-33-48-2; 33-30-2-4 [repealed effective January 1, 2009]; noncode [Section 21 and 23])

3. The **Miami County** superior court is expanded from one superior court to two superior courts effective January 1, 2009.

The governor shall appoint a person to serve as the second judge of the Miami County superior court for a term beginning January 1, 2009 and ending December 31, 2010. The initial election of the second judge of the Miami County superior court shall occur at the general election on November 2, 2010. The term of the judge initially elected as the second judge of Miami County superior court begins January 1, 2011.

(HEA 1096 § 16 and 24; Effective date: July 1, 2008; Citations affected: IC 33-33-52-3; noncode [Section 24])

4. Effective January 1, 2009 the joint 5th judicial circuit comprised of **Jefferson County and Switzerland County** and the joint superior court in **Ohio County and Switzerland County** are abolished.

Effective January 1, 2009 Jefferson County will constitute the 5th judicial circuit and Switzerland County will constitute the 91st judicial circuit of Indiana and each judicial circuit shall have its own circuit court. Provisions are made for the transfer of cases from the joint circuit and superior courts to the new 5th and 91st judicial circuit courts.

The initial judge of the Jefferson County fifth judicial circuit court shall be the person who is currently serving as the joint Jefferson County and Switzerland County fifth judicial circuit court judge and the judge shall serve the remainder of the judge's term on the new court as if he were the judge of former joint circuit.

In addition, the initial prosecutor of the Jefferson County fifth judicial circuit shall be the person who is currently serving as the joint Jefferson County and Switzerland County prosecutor who shall serve the remainder of the prosecutor's term as if he were the prosecutor of the former judicial circuit.

The initial election of judge of the new Switzerland County ninety-first judicial circuit court will be on November 4, 2008. A political party may nominate a candidate for circuit court judge using the candidate vacancy provisions under IC 3-13-1. Other candidates may qualify under IC 3-8-6. The term of the circuit judge elected November 4, 2008 begins on January 1, 2009.

The initial election of a prosecuting attorney of the new Switzerland County ninety-first judicial circuit will be on November 4, 2008. A political party may nominate a candidate for prosecuting attorney using the candidate vacancy provisions under IC 3-13-1. Other candidates may qualify under IC 3-8-6. The term of the prosecuting attorney elected under this November 4, 2008 begins on January 1, 2009, and ends December 31, 2010. The election of a prosecuting attorney to a full four-year term in Switzerland County will occur

on November 2, 2010. The term of a prosecuting attorney elected on November 2, 2010 begins January 1, 2011.

(HEA 1096 § 13, 19, 21, 25, 26; Effective date January 1, 2009 except as otherwise noted; Citations affected: IC 33-33-39-1; IC 33-33-78-2; IC 33-33-58-1 [repealed]; IC 33-33-58-3 [repealed]; IC 33-33-58-4 [repealed]; IC 33-33-58-5 [repealed]; IC 33-33-58-6 [repealed]; IC 33-33-58-7 [repealed]; IC 33-33-58-8 [repealed]; IC 33-33-58-9 [repealed]; IC 33-33-58-11 [repealed]; IC 33-33-58-12 [repealed]; IC 33-33-58-13 [repealed]; IC 33-33-58-14 [repealed]; IC 33-33-78-3 [repealed]; IC 33-33-39-1 [repealed]; IC 33-33-78-1 [repealed]; IC 33-33-78-2 [repealed]; IC 33-33-78-3 [repealed]; IC 33-33-78-4 [repealed]; IC 33-33-78-5 [repealed]; IC 33-33-78-6 [repealed]; IC 33-33-78-7 [repealed]; IC 33-33-78-8 [repealed]; IC 33-33-78-9 [repealed]; IC 33-33-78-11 [repealed]; IC 33-33-78-12 [repealed]; IC 33-33-78-13 [repealed]; IC 33-33-78-14 [repealed]; noncode [Section 25 and 26] effective July 1, 2008)