



2010 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 2010. 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 2010 Regular Session of the Indiana General Assembly enacted the following election-related bills:

Public Law 66-2010 (House Enrolled Act 1109): Absentee voting and voters with disabilities; implements the federal Military and Overseas Voter Empowerment (MOVE) Act.

Public Law 58-2010 (House Enrolled Act 1001): Campaign Finance contributions and reports

Public Law 10-2010 (Senate Enrolled Act 75): Sales of alcoholic beverages on election day.

Public Law 41-2010 (Senate Enrolled Act 401): Certification of school corporation referendums as a local public question on the ballot.

Public Law 5-2010 (Senate Enrolled Act 64): Displays of political signs on property subject to restrictive covenants or homeowners association rules.

Public Law 113-2010 (House Enrolled Act 1086): Specifies the text of the proposed state constitutional amendment concerning property taxation to be printed on the November 2, 2010 general election ballot; amends procedures and scheduling for local public questions; alters the effective dates of certain local government boundary changes; permits certain third class cities to adopt an ordinance to reduce the number of the city's common council members.

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

Public Law 1-2010 (Senate Enrolled Act 222): Technical Corrections

The 2010 Regular Session of the Indiana General Assembly enacted the following joint resolution proposing an amendment to the Constitution of the State of Indiana:

Public Law 116-2010 (House Enrolled Joint Resolution 1): Submitting a constitutional amendment concerning property taxation to the voters for ratification at the November 2, 2010 general election.

ELECTION ADMINISTRATION

Alcoholic Beverage Sales on Election Day

The current laws: (1) prohibiting the sale of alcoholic beverages during certain hours on primary election days, general election days, and special election days; and (2) requiring the Election Division to notify the alcohol and tobacco commission when a special election is to be conducted (for purposes of enforcing the prohibition against the sale of alcoholic beverages on election day) are repealed.

(SEA 75 §§ 1, 2, and 11; Effective date: March 12, 2010; Citations affected: IC 3-10-8-4.5; 3-10-8-9; 7.1-5-10-1)

Administration of MOVE Absentee Requirements for Military¹ and Overseas Voters²

The county election board (or board of elections and registration) shall implement the absentee procedures for military and overseas voters required under MOVE (the federal Military and Overseas Voter Empowerment Act).

¹ The term “military voter” is being used as shorthand for “Absent Uniform Service Voter” defined by state law as follows:

IC 3-5-2-1.5 "Absent uniformed services voter"

Sec. 1.5. "Absent uniformed services voter" refers to any of the following:

- (1) A member of a uniformed service on active duty who, by reason of active duty, is absent from the place of residence where the member is otherwise qualified to vote.
- (2) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote.
- (3) A member of the Indiana national guard deployed or on assignment outside Indiana.
- (4) A spouse or dependent of a member referred to in subdivision (1), (2), or (3) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

² The term “overseas voter” is defined by state law as follows:

IC 3-5-2-34.5 "Overseas voter"

Sec. 34.5. "Overseas voter" refers to any of the following:

- (1) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved.
- (2) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States.
- (3) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(HEA 1109 §§ 12, 13; Effective Date: July 1, 2010; Citations affected: IC 3-11-4-5.5; 3-11-4-5.7)

ABSENTEE VOTING

Absentee Application Filing Periods and Deadlines Generally

A circuit court clerk may receive an absentee ballot application from most voters not earlier than the date registration resumes after a primary election (rather than 90 days before election day).

NOTE: This change is effective July 1, 2010, and therefore will not be in effect on May 18, 2010, when registration resumes after the May 4, 2010 primary election.

(HEA 1109 § 10; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-3)

An application for an absentee ballot may be transmitted by mail (*including bonded courier*)

(HEA 1109 § 11; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-4)

Absentee Voting Satellite Offices; Accessibility Requirements

A satellite office established by a circuit court clerk under authority of a resolution adopted by a county election board must comply with polling place accessibility requirements under IC 3-11-8.

(HEA 1109 § 25; Effective Date: July 1, 2010; Citation affected: IC 3-11-10-26.3)

Military and Overseas Voters; Absentee Procedures and Implementation of MOVE

The county election board (or board of elections and registration established in Lake County and Tippecanoe County) is responsible for implementing the absentee procedures for military and overseas voters required under MOVE (the federal Military and Overseas Voter Empowerment Act).

(HEA 1109 §§ 12, 13; Effective Date: July 1, 2010; Citations affected: IC 3-11-4-5.5; 3-11-4-5.7)

Electronic mail, fax, and web publication are designated as the “means of communication” for a military voter or overseas voter to request a voter registration application and an absentee ballot application from the election division, a county election board, or a county voter registration office.

(HEA 1109 § 13; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-5.7)

Military and Overseas Voters; Request for Absentee Applications and Transmittal of Application to Voters

When a circuit court clerk receives a request for an absentee ballot application from a military or overseas voter, the clerk shall promptly mail the application to the voter, or transmit the application by email or fax if requested by the voter.

Once a military or overseas voter has completed and returned an absentee ballot application, a clerk, or the office of the Lake County or Tippecanoe County board of elections and registration, shall send an electronic mail receipt acknowledging receipt of the voter's application. This receipt is no longer required to be "automatic."

(HEA 1109 §§ 5, 11; Effective Date: July 1, 2010; Citations affected: IC 3-7-36-8; 3-11-4-4)

The county election board shall transmit the absentee ballot application to the applicant by email or fax if so requested by the applicant, and if the applicant provides an email address or fax number that permits the county to send the application using the fax number or email address no later than the end of the first business day after the county receives the request from the voter. If the email address or fax number does not permit the county to transmit the application during that time, the county shall send the application to the voter by U.S. mail.

(HEA 1109 §§ 6, 13; Effective Date: July 1, 2010; Citations affected: IC 3-7-36-9; 3-11-4-5.7)

A county election board and the election division shall include information regarding the use of electronic mail, fax, and web publication with all instructional material sent with an absentee ballot application to a military or overseas voter.

(HEA 1109 § 13; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-5.7)

The election division, a county election board, and a county voter registration office shall ensure that the procedures used to transmit an absentee ballot application to a military or overseas voter protect the security and integrity of the application request processes, and that the privacy of the identity and other personal data of the voter who requests or is sent an application is protected throughout the process of making the request or being sent the application, to the extent practicable and permitted under state law (including the Public Records Law and the voter registration provisions of the election code).

(HEA 1109 § 13; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-5.7)

Military and Overseas Voters; Filing Absentee Applications with the County Election Board

An application for an absentee ballot may be submitted by a military or overseas voter on either the federal combined absentee application voter registration application form, or on a form prescribed by the Indiana election commission *that identifies the applicant as an absent uniformed services voter or an overseas voter*. The form prescribed by the commission must permit the applicant to indicate whether the applicant wishes to receive the absentee ballot by electronic mail, fax, or United States mail.

(HEA 1109 § 14; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-6)

An application for an absentee ballot may be submitted by electronic mail with a scanned image of the application and signature of the applicant by a military or overseas voter, including a military voter who is absent from their place of residence, but currently *within the United States*. The use of electronic mail to submit an application is no longer limited to a military voter who is outside of the United States.

(HEA 1109 § 11; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-4)

An application for an absentee ballot must be received not later than noon on the day before the election if a military or overseas voter requests that absentee ballot be transmitted by *electronic mail*.

(HEA 1109 § 10; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-3)

If a county board of registration receives both a voter registration application and a request for an absentee ballot application from a military or overseas voter, the board shall deliver the request for absentee ballot application to the circuit court clerk for the absentee ballot application to be transmitted to the voter.

(HEA 1109 § 3; Effective Date: July 1, 2010; Citation affected: IC 3-7-36-6)

Military and Overseas Voters; Ongoing Application for Absentee Ballots

An absentee ballot application received from a military or overseas voter who does not expect to be in the county during the 12 months following the date the application is filed (instead of until at least the date of the second general election following the date of the application) is a valid application for a general election, municipal election, or special election conducted during that 12 months unless an absentee ballot mailed to the voter at the address in the application is returned to the county election board during that 12 months as undeliverable.

(HEA 1109 § 14; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-6)

An absentee ballot application filed no later than noon June 30, 2010 by a military or overseas voter who does not expect to be in the county during the time period following the date the application was filed until at least the date of the second general election is a valid application for both subsequent general elections or any municipal election or special election conducted during that period, unless an absentee ballot mailed to the voter at the address in the application is returned to the county election board during that period as undeliverable. This “grandfathering” provision expires June 30, 2012.

(HEA 1109 § 15; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-6.1)

Military and Overseas Voters; Applications on Federal Combined Absentee and Voter Registration Form

If the clerk receives a federal combined registration/absentee ballot application, the clerk shall record the information necessary for the county election board to mail an absentee ballot to the

voter. If the county has a separate board of registration, the clerk shall forward the combined registration/absentee ballot application to the board of registration to process the registration application portion of the combined form.

(HEA 1109 § 6; Effective Date: July 1, 2010; Citation affected: IC 3-7-36-9)

If the election division receives a registration application or a federal combined registration/absentee ballot application from a military or overseas voter on the federal combined form, the election division shall promptly forward the application to the county voter registration office of the county where the applicant resides.

(HEA 1109 § 4; Effective Date: July 1, 2010; Citation affected: IC 3-7-36-7)

Military and Overseas Voters; Absentee Ballots

The county election board shall send an absentee ballot to a military or overseas voter by U.S. mail, unless the voter indicated that the voter wishes to receive an absentee ballot by electronic mail or fax.

If a voter wants to submit an absentee ballot by fax or electronic mail, the voter must separately sign and date a statement submitted with the voted ballot returned to the county election board by electronic mail or fax which states that “I understand that by faxing or e-mailing my voted ballot I am voluntarily waiving my right to a secret ballot.”

(HEA 1109 § 14; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-6)

A county election board may transmit an absentee ballot to a military or overseas voter by electronic mail directly to the voter at the voter’s email address, if requested to do so by the voter. The county may, but is no longer required to, send the email under a program authorized and administered by the Federal Voting Assistance Program of the U.S. Department of Defense.

(HEA 1109 § 14; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-6)

The county election board shall include information regarding the use of electronic mail, fax, and web publication with all instructional material sent with an absentee ballot to a military or overseas voter.

(HEA 1109 § 13; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-5.7)

The secretary of state, with the approval of the election division, shall develop a “free access system” to permit a military voter or overseas voter to determine whether the voter’s absentee ballot has been received by the appropriate county election board or board of elections and registration, regardless of the manner used to transmit the absentee ballot to the board. The system must contain reasonable procedures to protect the security, confidentiality, and integrity of the personal information collected, stored, or otherwise used on the system, to the extent permitted by the Public Records Law and the voter registration provisions of the election code.

(HEA 1109 § 13; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-5.7)

Voters with Disabilities; Assistance with Absentee Voting

State laws that permit providing assistance to certain voters voting at the polls or voting before a traveling absentee voter board also apply to casting an absentee ballot before an absentee voter board in the office of the circuit court clerk or board of elections and registration, or at a satellite office for absentee voting.

(HEA 1109 §§ 20, 24, 25; Effective Date: July 1, 2010; Citations affected: IC 3-11-9-1; 3-11-10-26; 3-11-10-26.3)

Voters with Disabilities; Voting on Direct Record Electronic Voting System

A voter with a disability is entitled to vote on a direct record electronic voting system that complies with IC 3-11-8, including while voting absentee in the office of the circuit court clerk or board of elections and registration, or a satellite office for absentee voting. This provision does not apply to a voter with a disability voting before a traveling absentee voter board visiting the voter's place of confinement or the voter's residence.

(HEA 1109 § 21; Effective Date: July 1, 2010; Citation affected: IC 3-11-9-6 [new])

Processing of Absentee Ballots Cast on Direct Record Electronic Voting System

A county election board is not required to deliver an absentee ballot cast on a direct record electronic voting system in person at the office of the circuit court clerk, board of elections and registration, or at a satellite office for absentee voting, to a precinct for counting. However, the board shall deliver to each precinct a list of the names of voters who have cast these absentee ballots. These absentee ballots may be challenged using the same procedure that applies to other absentee ballots.

The precinct judges shall mark the poll list of the precinct to indicate that each voter on the county election board list has voted by absentee ballot.

If a voter has already voted at the precinct, or if the absentee ballot is challenged, the judges shall note that fact on the county election board's list and return the list to the board with the other election materials from the precinct.

The county election board shall delete the absentee votes of a voter whose name has been noted on the county election board list by the precinct judges as having voted at the precinct.

The county election board shall count these absentee ballots using the procedures under state law for counting absentee ballots at a central location (including the procedures for challenging absentee ballots and eliminating the absentee ballots of individuals voting in person at the polls) to assure that the absentee ballots cast on the direct record electronic voting system may be counted.

The county election board: (1) may count all of this type of absentee ballot at a central location; and (2) shall adjust the vote totals for each precinct, based on the count of these absentee ballots.

This law and the central count absentee ballot law do not require the county election board to count optical scan ballot card or traditional hand-counted paper absentee ballots at a central location.

(HEA 1109 §§ 22, 23, 26; Effective Date: July 1, 2010; Citations affected: IC 3-11-10-12; 3-11-10-12.5 [new]; 3-11.5-1-4)

VOTER REGISTRATION

Submission of Voter Registration Application by Fax or Electronic Transmission

A voter may not submit a voter registration application by fax or electronic transmission except for: (1) an absent uniformed services voter or overseas voter submitting a combined registration form and absentee ballot request on the federally prescribed combined form; (2) a voter whose application is submitted electronically from the bureau of motor vehicles; or (3) a voter whose application is submitted on-line, beginning July 1, 2010.

(HEA 1109 § 1; Effective date: July 1, 2010; Citation affected: IC 3-7-32-4)

Military and Overseas Voters; Requests for Voter Registration Applications

Electronic mail, fax, and web publication are designated as the “means of communication” for a military voter or overseas voter to request a voter registration application from the election division, a county election board, or a county voter registration office.

(HEA 1109 § 13; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-5.7)

When a county voter registration office receives a request for a voter registration application from a military (“absent uniformed services voter”) or overseas voter, the county shall promptly mail or deliver a voter registration application to the voter.

The county shall transmit the registration to the applicant by email or fax if so requested by the applicant, and if the applicant provides an email address or fax number that permits the county to send the application using the fax number or email address no later than the end of the first business day after the county receives the request from the voter. If the email address or fax number does not permit the county to transmit the application during that time, the county shall send the application to the voter by U.S. mail.

(HEA 1109 § 2, 6; Effective date: July 1, 2010; Citations affected: IC 3-7-36-5; 3-7-36-9)

The election division, a county election board, and a county voter registration office shall ensure that the procedures used to transmit a voter registration application to a military or overseas voter protect the security and integrity of the application request processes, and that the privacy of the identity and other personal data of the voter who requests or is sent an application is protected

throughout the process of making the request or being sent the application, to the extent practicable and permitted under state law (including the Public Records Law and the voter registration provisions of the election code).

(HEA 1109 § 13; Effective Date: July 1, 2010; Citation affected: IC 3-11-4-5.7)

Military and Overseas Voters; Filing of Voter Registration Applications

If a county board of registration receives both a voter registration application and a request for an absentee ballot application from a military or overseas voter), the board shall deliver the request for absentee ballot application to the circuit court clerk for the absentee ballot application to be mailed to the voter.

If a circuit court clerk receives a voter registration application from a military or overseas voter, and a separate board of registration exists in the county, the clerk shall forward the voter registration application to the board.

If the election division receives a registration application from a military or overseas voter (including a federal combined form), the election division shall promptly forward the application to the county voter registration office of the county where the applicant resides.

The applicant becomes a registered voter of the county when a properly executed registration affidavit is returned to and approved by the county voter registration office.

(HEA 1109 §§ 2-4, 6; Effective date: July 1, 2010; Citations affected: IC 3-7-36-5; 3-7-36-6; 3-7-36-7; 3-7-36-9)

Cross Reference Correction

A cross-reference within the election code to voter registration statutes was corrected.

(SEA 222 §§ 2; Effective date: March 12, 2010; Citation affected: IC 3-7-26.7-7)

BALLOTS AND VOTING SYSTEMS

Deadlines for Printers to Deliver Absentee Ballots to Circuit Court Clerks

Absentee ballots shall be delivered by printers to the circuit court clerk or the Lake County and Tippecanoe Boards of Elections and Registration at least 50 days (rather than 45 days) before a general, primary, special, or municipal election. The former laws requiring absentee ballots to be delivered to the clerk no later than 32 days before a special election and 38 days before a presidential general election are repealed.

This amendment will also affect the deadline for a county election board to mail absentee ballots to voters who have applications on file with the board not more than 5 days after the delivery of the absentee ballots to the clerk.

(HEA 1109 § 18; Effective date: July 1, 2010; Citation affected: IC 3-11-4-15; 3-11-4-18)

Military and Overseas Voters; Federal Write-in Absentee Ballot

An absent uniformed services voter or an overseas voter who makes a timely application for a regular absentee ballot and does not receive an absentee ballot from a county election board may use a federal write-in absentee ballot in the form prescribed by the Federal Voting Assistance Program of the U.S. Department of Defense to cast a vote for: (1) any candidate for nomination at a primary election; or (2) any candidate, political party, or public question on a general election, municipal election, or special election ballot.

(HEA 1109 §§ 16, 27; Effective date: July 1, 2010; Citations affected: IC 3-11-4-12.5, 3-11.5-5-14)

If an absent uniformed services voter or an overseas voter does any of the following when casting a federal write-in absentee ballot cast in a **primary** election, the voter's vote is void:

- (1) Votes for more than one candidate, and the names of these candidates are printed on the official primary ballots of *different* political parties (*For example, writing in votes for both a Democratic Party primary candidate and a Republican Party primary candidate, whether for the same or a different office*).
- (2) Votes for a candidate whose name is not printed on the official primary ballot of *any* party. (*For example, writing in the name of 'Mickey Mouse'*).
- (3) Votes for a candidate, but does not indicate which office the candidate is seeking.
- (4) Votes for a political party, but does not vote for any individual candidates who are on that political party's official primary ballot. (*For example, writing in "Republican" on this primary ballot.*)

(HEA 1109 § 28; Effective date: July 1, 2010; Citations affected: IC 3-12-1-18 [new])

If an absent uniformed services voter or an overseas voter casts a federal write-in absentee ballot cast in a **general election, municipal election, or special election**, and the voter writes in the name of a political party on the ballot (*a "straight party ticket"*), the voter's vote shall be counted for all candidates of that political party on the ballot.

If the voter writes an **abbreviation, misspelling, or other minor variation** instead of the correct name of a candidate or party, the voter's vote shall be counted if the voter's intent can be determined.

(HEA 1109 § 29; Effective date: July 1, 2010; Citations affected: IC 3-12-1-19 [new])

Military and Overseas Voters; Repeal of Special State Write-in Absentee Ballot

The state laws requiring the election division to print and provide county election boards with a special state write-in absentee ballot for distribution to absent uniformed services voters and overseas voters (also known as State Form ABS-3) have been repealed.

(HEA 1109 §§ 9, 14, 17, 19, 22, 27, 30, 31; Effective Date: July 1, 2010; Citations affected: IC 3-11-4-1; 3-11-4-6; 3-11-4-12; 3-11-4-13; 3-11-4-14; 3-11-4-18; 3-11-10-12; 3-11.5-5-14; 3-12-2-7.5)

Voters with Disabilities; Voting on Direct Record Electronic Voting System

A voter with a disability is entitled to vote on a direct record electronic voting system that complies with IC 3-11-8, including while voting absentee in the office of the circuit court clerk or board of elections and registration, or a satellite office for absentee voting. This provision does not apply to a voter with a disability voting before a traveling absentee voter board visiting the voter's place of confinement or the voter's residence.

(HEA 1109 § 21; Effective Date: July 1, 2010; Citation affected: IC 3-11-9-6 [new])

STATE CONSTITUTIONAL AMENDMENT PUBLIC QUESTIONS

Proposed State Constitutional Amendment concerning Property Taxation

The General Assembly adopted a proposed constitutional amendment to be submitted to the voters for ratification at the November 2, 2010 general election.

The amendment would permit the general assembly to enact property tax deductions and credits for certain property and to impose reasonable filing requirements for an exemption, deduction, or credit. For property taxes first due and payable in 2012 and thereafter, the amendment would require the general assembly to limit a taxpayer's property tax liability for residential property, agricultural land, other real property, and personal property. The proposed amendment specifies that property taxes imposed after being approved by voters in a referendum would not be considered in calculating these property tax liability limits. The amendment provides that the general assembly may enact legislation to provide that property taxes imposed in certain counties to pay debt service or makes lease payments for bonds or leases entered into before July 1, 2008, would not be considered in calculating these property tax liability limits.

(HEJR 1 §§ 1, 2; Effective date of proposed amendment: upon ratification by the voters; Citation affected: Article 10, Section 1 of the Constitution of the State of Indiana)

The language to be printed on the 2010 general election ballot concerning the ratification of the proposed state constitutional amendment must appear as follows:

"PUBLIC QUESTION #1

SHALL PROPERTY TAXES BE LIMITED FOR ALL CLASSES OF PROPERTY by amending the Constitution of the State of Indiana to do the following:

- (1) Limit a taxpayer's annual property tax bill to the following percentages of gross assessed value:
 - (A) 1% for an owner-occupied primary residence (homestead);

- (B) 2% for residential property, other than an owner-occupied primary residence, including apartments;
- (C) 2% for agricultural land;
- (D) 3% for other real property; and
- (E) 3% for personal property.

The above percentages exclude any property taxes imposed after being approved by the voters in a referendum.

(2) Specify that the General Assembly may grant a property tax exemption in the form of a deduction or credit and exempt a mobile home used as a primary residence to the same extent as real property?”

(HEA 1086 § 185; Effective date: March 25, 2010; Citations affected: [noncode])

LOCAL PUBLIC QUESTIONS

Controlled Project Local Public Questions

The circuit court clerk is required to receive notice from a political subdivision when the political subdivision takes certain actions to begin a “controlled project.”

(HEA 1086 §§ 33, 34, and 35; Effective date: July 1, 2010; Citations affected: IC 6-1.1-20-3.1; 6-1.1-20-3.2; 6-1.1-20-3.5)

A county election board that approves the language of a local public question concerning a controlled project must submit the language to the department of local government finance for review. The department shall review the language to evaluate whether the description of the controlled project is accurate and not biased, and may recommend modifications to the ballot language to ensure that the local public question is accurate and not biased. The department shall send its recommendations to the county election board no more than 10 days after the language is submitted to the department for review. After reviewing the recommendations of the department, the county election board shall take final action to approve the ballot language. The “finally adopted” ballot language may differ from the recommendations made by the department.

(HEA 1086 § 36; Effective date: March 25, 2010; Citation affected: IC 6-1.1-20-3.6)

The fiscal body of a political subdivision may adopt a resolution to specify that the local public question process (rather than the petition and remonstrance process) applies to a controlled project of the political subdivision.

The fiscal body must adopt this resolution no later than the date on which the political subdivision makes a preliminary determination to issue bonds or enter into a lease for the controlled project. The fiscal body must certify the resolution to the county election board of each county in which the political subdivision is located, and the county election board of each county shall place the local public question on the ballot as provided by law.

(HEA 1086 § 37; Effective date: March 25, 2010; Citation affected: IC 6-1.1-20-3.8 [new])

School Corporation Referendum Tax Levy Fund Local Public Questions

A school corporation which adopts a resolution to transfer the power of the school corporation to impose part of the school corporation's base tax levy from the school corporation's general fund to the school corporation's referendum tax levy fund must be certified to the department of local government finance (in addition to the county auditor).

A school corporation which adopts a resolution to place a referendum tax levy on the ballot must certify a copy of the resolution to the department of local government finance (in addition to the county fiscal body of each county in which the school corporation is located).

(SEA 401 §§ 5, 6; Effective date: July 1, 2010; Citations affected: IC 20-46-1-7; 20-46-1-8)

The ballot language of a school corporation tax levy fund public question is amended to read:

"For the ___ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed _____ (insert amount) cents (\$0.___) (insert amount) on each one hundred dollars (\$100) of assessed taxation and that is in addition to *all other property tax levies imposed by the school corporation?*"

(HEA 1086 § 97; Effective date: March 25, 2010; Citation affected: IC 20-46-1-10)

A school corporation tax levy fund public question shall be held in the next primary election, general election, or *municipal* election in which all the registered voters of the school corporation are eligible to vote on the public question.

A school corporation tax levy fund public question must be certified not later than noon 60 days before a primary election if the question is to be placed on the primary or municipal primary election ballot, or noon August 1 if the question is to be placed on the general or municipal election ballot.

The provision requiring a special election to be conducted for the school corporation tax levy fund public question (if the referendum would be held more than 6 months after certification) on the date desired by the school corporation is repealed.

Instead, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot, and if the school corporation requests that the public question be placed on the ballot at a special election, then the special election shall be conducted on the first Tuesday after the first Monday in May or November of that year. The certification for this special election must occur not later than noon 60 days before an election to be held in May, or noon August 1 if the special election is to be held in November.

If the referendum is not conducted at a primary election, general election, or municipal election, the school corporation shall pay all costs of holding the referendum.

(HEA 1086 § 98; Effective date: March 25, 2010; Citation affected: IC 20-46-1-14)

Local Government Reorganization Plan Local Public Questions

A county election board shall place a public question concerning a local government reorganization plan on the ballot at the next regularly scheduled general or municipal election that will occur in all of the precincts of the reorganizing political subdivisions at least 60 days after the county election board receives the required notices for the election. However, the public question may not be placed on the ballot at a primary election.

(HEA 1086 § 111; Effective date: March 25, 2010; Citation affected: IC 36-1.5-4-27)

CAMPAIGN FINANCE

Campaign Contributions and Fundraising Activities by State Officeholders and Candidates for State Office

An individual who holds a state office (a “statewide” office) or who is a candidate for a state office, or the candidate’s committee of a candidate for state office, may not solicit campaign contributions, accept campaign contributions, or conduct other fundraising activities during the period beginning on the day in January in each odd-numbered year when the general assembly reconvenes and ending on the day in the odd-numbered year when the general assembly adjourns sine die. This restriction does not prohibit a state officeholder or a candidate for state office from participating in party activities conducted by a regular party committee.

(HEA 1001 § 31; Effective date: July 1, 2010; Citation affected: IC 3-9-2-12).

Campaign Finance Reports and Statements by Candidates for State Legislative Office

Beginning January 1, 2011, the current law requiring a candidate for state legislative office and the candidate’s committee to file a duplicate copy of campaign finance reports, notices, or other documents with the county election board of the county in which the individual resides (in addition to the filing required with the Indiana election division) is repealed.

The circuit court clerk, at the request of any person, is required to furnish the person with a copy of the candidate or committee’s campaign finance report, notice, or other document from the electronic record maintained on the website of the secretary of state or the Indiana election division. The clerk is required to charge for these copies as provided in the Public Records Law.

(HEA 1001 § 32; Effective date: January 1, 2011; Citation affected: IC 3-9-5-3).

CANDIDATES AND OFFICEHOLDERS

Displaying Political Signs on Property Subject to Restrictive Covenants or Homeowners Association Rules

For purposes of this law, a “sign” is defined as a sign advocating: (1) the election or defeat of one or more candidates for nomination or election to a public office; (2) support for or opposition to a political party or a political party’s candidates; or (3) the approval or disapproval of a public question.

For purposes of this law, a “rule” includes a restrictive covenant or a homeowner’s association rule.

A homeowners association may not adopt or enforce a rule that prohibits a member of the homeowners association from displaying a sign on the member’s property during the period beginning 30 days before the election and ending 5 days after the election to which the sign relates.

A homeowners association may adopt and enforce rules regarding these signs if the rules: (1) restrict the size of a sign if the rule permits a homeowner to display a sign that is at least as large as signs commonly displayed during election campaigns; (2) restricts the number of signs that may be displayed if the rule permits a homeowner to display a reasonable number of signs; or (3) restricts the locations where a sign may be displayed. However, a rule cannot be adopted or enforced that prohibits the display of a sign in a window on the homeowner’s property or is on the ground that is part of the homeowner’s property.

A homeowners association may remove a sign that violates rules permitted under IC 32-21-13.

(SEA 64 § 1; Effective date: July 1, 2010; Citation affected: IC 32-21-13)

General Election Challenges to Candidates for Statewide or State Legislative Offices

A challenge to a candidate for statewide or state legislative office must be filed with the election division not later than noon 74 days (rather than 40 days) before the general election.

Regardless of the status of the candidate challenge before the Indiana election commission or the court of appeals, at noon 60 days (rather than 30 days) before the general election, the challenge is terminated; the name of the challenged candidate may not be removed from the ballot; the name of another candidate may not replace the name of the challenged candidate on the ballot; and any votes cast for the challenged candidate shall be canvassed, counted, and reported under the name of the challenged candidate.

If a candidate attempts to withdraw as a candidate after noon 60 days (rather than 30 days) before the general election, the name of the candidate may not be removed from the ballot; the name of another individual may not replace the name of the candidate on the ballot; and any votes cast for the candidate shall be canvassed, counted, and reported under the name of the candidate.

(HEA 1109 §§ 7, 8; Effective date: July 1, 2010; Citation affected: IC 3-8-8-3; 3-8-8-7)

Correction to Write-In Candidates for Presidential Elector Candidates

A reference to write-in candidates for presidential elector was corrected.

(SEA 222 § 3; Effective date: March 12, 2010; Citation affected: IC 3-10-4-4)

PRECINCTS AND LOCAL GOVERNMENT ELECTIONS

A local government boundary change or consolidation plan whose effective date would have occurred during 2009 (the year preceding the federal decennial census), but was delayed until January 2, 2010, instead took effect January 1, 2010.

(HEA 1086 §§ 109, 113-120, 123-129; Effective date: January 1, 2010 (retroactive); Citations affected: IC 36-1.5-4-5; 36-2-1-2; 36-3-2-7; 36-4-2-9, 36-4-3-7; 36-4-3-12, 36-4-3-15.5, 36-4-3-19, 36-4-3-23 [new]; 36-5-1-10.1, 36-5-1-18, 36-5-1.1-9, 36-5-1.1-10, 36-5-1.1-10.5, 36-5-1.1-10.6, 36-6-1-3)

The common council of a third class city with a population of less than 10,000 may adopt an ordinance, after June 30, 2010, and during a year in which an election for common council members will not occur. The ordinance must divide the city into 4 common council districts, with one at large common council member, or in the alternative, 3 common council districts, with 2 at large members. The city common council districts created by the ordinance would apply to the first election for common council members occurring after the date of the adoption of the ordinance. (For some of these cities, the effect of adopting the ordinance would be to reduce the number of common council members from 7 to 5.)

(HEA 1086 §§ 121; Effective date: July 1, 2010; Citation affected: IC 36-4-6-5)