



February 6, 2015

HOUSE BILL No. 1139

DIGEST OF HB 1139 (Updated February 4, 2015 5:08 pm - DI 75)

Citations Affected: IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-13; IC 12-14; IC 20-23; IC 36-1.5; IC 36-5.

Synopsis: Various election law matters. Provides that the procedure for removing election inspectors and judges also applies to poll clerks, assistant poll clerks, and election sheriffs. Exempts certain statutorily protected residence addresses from the requirement to publish the address of each primary election candidate. Makes technical changes relating to: (1) filing statements of economic interests; (2) updating voter registration information; (3) transmitting absentee ballots; (4) appointment of absentee voter boards; (5) filling candidate vacancies; (6) transmission of voter registration applications; (7) public questions; and (8) certification of special election results. Updates dates and other references in the election law. Removes other obsolete references. Makes various other technical changes.

Effective: Upon passage; July 1, 2015.

Richardson

January 8, 2015, read first time and referred to Committee on Elections and Apportionment.
February 5, 2015, amended, reported — Do Pass.

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February 6, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1139

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-6-4.2-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The co-directors
3 shall employ other employees as necessary in the execution of the
4 powers and duties of the ~~commission~~ **election division**.
- 5 SECTION 2. IC 3-6-6-12 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) A county election board
7 shall remove a ~~member of a precinct election board~~ **officer** and declare
8 the office vacant if:
- 9 (1) at any time before or during an election the county election
10 board is notified by the affidavit of two (2) or more voters of the
11 precinct that the ~~member~~ **officer** is not qualified; and
12 (2) the board determines that the statements made in the affidavit
13 concerning the disqualification of the precinct election ~~board~~
14 **member officer** are true.
- 15 (b) If the disqualified ~~member~~ **officer** has taken the oath of office

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1 required by this chapter, the circuit court clerk shall attach the oath to
 2 the poll list and shall place the affidavit and oath before the next grand
 3 jury of the county.

4 SECTION 3. IC 3-7-38.2-9 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section
 6 applies to an absent uniformed services voter or an overseas voter with
 7 an address in the county's voter registration record that does not include
 8 an "APO" or "FPO" designation.

9 (b) If a county voter registration office:

10 (1) is advised under this chapter that the voter's residence may
 11 have changed; and

12 (2) determines that the voter is subject to this section;

13 the voter registration office may disregard the notification of change of
 14 residence and is not required to act under this chapter concerning the
 15 voter's registration.

16 SECTION 4. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2015]: Sec. 5. A declaration of candidacy for:

18 (1) a federal office;

19 (2) a state office;

20 (3) a legislative office; or

21 (4) the local office of:

22 (A) judge of a circuit, superior, probate, ~~county~~, or small
 23 claims court; or

24 (B) prosecuting attorney of a judicial circuit;

25 shall be filed with the secretary of state.

26 SECTION 5. IC 3-8-2-19, AS AMENDED BY P.L.179-2011,
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 19. (a) Upon receipt of the certified list under
 29 section 17 of this chapter, a county election board shall immediately
 30 compile under the proper political party designation the following:

31 (1) The title of each office.

32 (2) The name of each individual who has filed a request to be
 33 placed on the presidential primary ballot.

34 (3) The names and addresses of all persons for whom declarations
 35 of candidacy have been filed for nomination to an office on the
 36 primary election ballot, **except for an individual with a
 37 restricted address under IC 36-1-8.5.**

38 (4) The text of any public question to be placed on the ballot.

39 (5) The date of the primary election.

40 (6) The hours during which the polls will be open.

41 (b) The county election board shall do the following:

42 (1) Publish the information described in subsection (a) before the



1 primary election in accordance with IC 5-3-1.

2 (2) File a copy of the information described in subsection (a):

3 (A) with the election division; and

4 (B) in the minutes of the county election board.

5 (c) The county election board shall file the copies required under
6 subsection (b)(2) not later than noon ten (10) days before election day.

7 (d) An election is not invalidated by the failure of the board to
8 comply with this section.

9 (e) If the county election board receives an amendment from the
10 election division under section 17 of this chapter after:

11 (1) compilation of the information described in subsection (a) has
12 occurred; or

13 (2) the board determines that it is impractical to recompile
14 completely revised information;

15 the board is only required to file a copy of the amendment with the
16 minutes of the board.

17 SECTION 6. IC 3-8-4-3, AS AMENDED BY P.L.230-2005,
18 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2015]: Sec. 3. (a) This section applies to each political party
20 that elects delegates to the party's state convention at a primary
21 election.

22 (b) Delegates to a state convention shall be chosen at the primary
23 election conducted by the political party on the first Tuesday after the
24 first Monday in May ~~2006~~ **2016** and every two (2) years thereafter. If
25 provided in the rules of the state committee of the political party,
26 delegates may be elected from delegate districts in each county.

27 (c) Not later than noon November 30 of the year preceding the year
28 in which the state convention is to be conducted, the state chairman of
29 a political party shall certify the following to the election division and
30 to each county committee of the party:

31 (1) The number of delegates to be elected in each county.

32 (2) Whether the delegates are to be elected from districts or at
33 large in each county.

34 (3) If a county is to elect delegates from districts, how many
35 districts must be established in each county.

36 (d) The county committee shall establish any delegate districts
37 required to be established under subsection (c) and file descriptions
38 setting forth the district boundaries with the county election board not
39 later than noon December 31 of the year preceding the year the state
40 convention is to be conducted. If the county committee does not timely
41 file district descriptions under this subsection, the county election
42 board shall establish districts not later than the first day that a



1 declaration of candidacy may be filed under IC 3-8-2-4, and apportion
 2 the delegates to be elected from each district in accordance with
 3 subsection (c).

4 SECTION 7. IC 3-10-1-4.5, AS AMENDED BY P.L.164-2006,
 5 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 4.5. (a) Except as provided in section 4.6 of this
 7 chapter, precinct committeemen shall be elected on the first Tuesday
 8 after the first Monday in May ~~2006~~ 2018 and every four (4) years
 9 thereafter.

10 (b) The rules of a political party may specify whether a precinct
 11 committeeman elected under subsection (a) continues to serve as a
 12 precinct committeeman after the boundaries of the precinct are
 13 changed by a precinct establishment order issued under IC 3-11-1.5.

14 SECTION 8. IC 3-10-1-4.6, AS ADDED BY P.L.164-2006,
 15 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2015]: Sec. 4.6. (a) This section applies to precinct
 17 committeemen elected by the Indiana Republican Party.

18 (b) Precinct committeemen shall be elected on the first Tuesday
 19 after the first Monday in May ~~2008~~ 2016 and every four (4) years
 20 thereafter.

21 (c) The rules of the Indiana Republican Party may specify whether
 22 a precinct committeeman elected under subsection (a) continues to
 23 serve as a precinct committeeman after the boundaries of the precinct
 24 are changed by a precinct establishment order issued under
 25 IC 3-11-1.5.

26 SECTION 9. IC 3-10-1-31.1, AS AMENDED BY P.L.64-2014,
 27 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 31.1. (a) This section applies only to election
 29 materials for elections held after December 31, 2003.

30 (b) The inspector of each precinct shall deliver the bags required by
 31 section 30(a) and 30(c) of this chapter in good condition, together with
 32 poll lists, tally sheets, and other forms, to the circuit court clerk when
 33 making returns.

34 (c) Except for unused ballots disposed of under IC 3-11-3-31 or
 35 affidavits received by the county election board under IC 3-14-5-2 for
 36 delivery to the foreman of a grand jury, the circuit court clerk shall seal
 37 the ballots (including provisional ballots) and other material (including
 38 election material related to provisional ballots) during the time allowed
 39 to file a verified petition or cross-petition for a recount of votes or to
 40 contest the election. Except as provided in subsection (d) and
 41 notwithstanding any other provision of state law, after the recount or
 42 contest filing period, the election material, including election material



1 related to provisional ballots (except for ballots and provisional ballots,
 2 which remain confidential) shall be made available for copying and
 3 inspection under IC 5-14-3. The circuit court clerk shall carefully
 4 preserve the sealed ballots and other material for twenty-two (22)
 5 months, as required by 42 U.S.C. 1974, after which the sealed ballots
 6 and other material are subject to IC 5-15-6 unless an order issued
 7 under:

- 8 (1) IC 3-12-6-19 or IC 3-12-11-16; or
 9 (2) 42 U.S.C. 1973;

10 requires the continued preservation of the ballots or other material.

11 (d) If a petition for a recount or contest is filed, the material for that
 12 election remains confidential until completion of the recount or contest.

13 (e) Upon delivery of the poll lists, the county voter registration
 14 office shall unseal the envelopes containing the poll lists, inspect the
 15 poll lists, and update the registration records of the county. The county
 16 voter registration office shall use the poll lists **and information on**
 17 **affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12** to
 18 update the registration record to include the voter's voter identification
 19 number if the voter's voter identification number is not already
 20 included in the registration record. Upon completion of the inspection,
 21 the poll list **and affidavits** shall be preserved with the ballots and other
 22 materials in the manner prescribed by subsection (c) for the period
 23 prescribed by subsections (c) and (d).

24 (f) This subsection does not apply to ballots, including provisional
 25 ballots. Notwithstanding subsection (c), if a county voter registration
 26 office determines that the inspection and copying of precinct election
 27 material would reveal the political parties, candidates, and public
 28 questions for which an individual cast an absentee ballot, the county
 29 voter registration office shall keep confidential only that part of the
 30 election material necessary to protect the secrecy of the voter's ballot.
 31 In addition, the county voter registration office shall keep confidential
 32 information contained in material related to provisional ballots that
 33 identifies an individual, except for the individual's name, address, and
 34 birth date.

35 (g) After the expiration of the period described in subsection (c) or
 36 (d), the ballots may be destroyed in the manner provided by
 37 IC 3-11-3-31 or transferred to a state educational institution as
 38 provided by IC 3-12-2-12.

39 (h) This subsection applies to a detachable recording unit or
 40 compartment used to record a ballot cast on a direct record electronic
 41 voting system. After the time allowed to file a verified petition or
 42 cross-petition for a recount of votes or to contest the election, the



1 circuit court clerk shall transfer the data contained in the unit or
 2 compartment to a disc or other recording medium. After transferring
 3 the data, the clerk may clear or erase the unit or compartment. The
 4 circuit court clerk shall carefully preserve the disc or medium used to
 5 record the data for twenty-two (22) months, as required by 42 U.S.C.
 6 1974, after which time the disc or medium may be erased or destroyed,
 7 subject to IC 5-15-6, unless an order requiring the continued
 8 preservation of the disc or medium is issued under the following:

9 (1) IC 3-12-6-19.

10 (2) IC 3-12-11-16.

11 (3) 42 U.S.C. 1973.

12 SECTION 10. IC 3-10-2-3, AS AMENDED BY P.L.230-2005,
 13 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 3. Electors for President and Vice-President of the
 15 United States shall be elected in ~~2008~~ **2016** and every four (4) years
 16 thereafter at a general election held in accordance with 3 U.S.C. 1.

17 SECTION 11. IC 3-10-2-4, AS AMENDED BY P.L.230-2005,
 18 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2015]: Sec. 4. United States Senators shall be elected at a
 20 general election held in accordance with 2 U.S.C. 1 and as follows:

21 (1) One (1) in ~~2006~~ **2016** and every six (6) years thereafter.

22 (2) One (1) in ~~2010~~ **2018** and every six (6) years thereafter.

23 SECTION 12. IC 3-10-2-6, AS AMENDED BY P.L.230-2005,
 24 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 6. The following public officials shall be elected
 26 in ~~2008~~ **2016** and every four (4) years thereafter:

27 (1) Governor.

28 (2) Lieutenant governor.

29 (3) Attorney general.

30 (4) Superintendent of public instruction.

31 SECTION 13. IC 3-10-2-7, AS AMENDED BY P.L.230-2005,
 32 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2015]: Sec. 7. The following public officials shall be elected
 34 in ~~2006~~ **2018** and every four (4) years thereafter:

35 (1) Secretary of state.

36 (2) Auditor of state.

37 (3) Treasurer of state.

38 SECTION 14. IC 3-10-2-12, AS AMENDED BY P.L.230-2005,
 39 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2015]: Sec. 12. A prosecuting attorney shall be elected in each
 41 judicial circuit in ~~2006~~ **2018** and every four (4) years thereafter in
 42 accordance with Article 7, Section 16 of the Constitution of the State



1 of Indiana.

2 SECTION 15. IC 3-10-6-3, AS AMENDED BY P.L.230-2005,
3 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 3. (a) Notwithstanding section 2 of this chapter,
5 in a town that adopted an ordinance under IC 18-3-1-16(b) (before its
6 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its
7 expiration on January 1, 1988), or section 2.5 of this chapter each
8 political party shall, at the primary election in:

9 (1) May ~~2006~~ **2018** and every four (4) years thereafter; and
10 (2) May ~~2007~~ **2019** and every four (4) years thereafter;
11 nominate candidates for the election to be held under section 6(a) of
12 this chapter, unless a primary election is not required under section 4
13 of this chapter. The primary election shall be conducted under this
14 chapter.

15 (b) Notwithstanding section 2 of this chapter, in a town that adopted
16 an ordinance under section 2.6 of this chapter each political party shall,
17 at the primary election in:

18 (1) May ~~2006~~ **2016** and every four (4) years thereafter; and
19 (2) May ~~2008~~ **2018** and every four (4) years thereafter;
20 nominate candidates for the election to be held under section 6(b) of
21 this chapter, unless a primary election is not required under section 4
22 of this chapter. The primary election shall be conducted under this
23 chapter.

24 (c) Notwithstanding section 2 of this chapter, in a town that adopted
25 an ordinance under section 2.6 of this chapter each political party shall,
26 at the primary election in May ~~2008~~ **2016** and every four (4) years
27 thereafter, nominate candidates for the election to be held under section
28 6(c) of this chapter, unless a primary election is not required under
29 section 4 of this chapter. The primary election shall be held under this
30 chapter.

31 SECTION 16. IC 3-10-6-6, AS AMENDED BY P.L.230-2005,
32 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2015]: Sec. 6. (a) Notwithstanding section 5 of this chapter,
34 a town that adopted an ordinance under IC 18-3-1-16(b) (before its
35 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its
36 expiration on January 1, 1988), or section 2.5 of this chapter shall:

37 (1) at the general election in November ~~2006~~ **2018** and every four
38 (4) years thereafter; and
39 (2) at the municipal election in November ~~2007~~ **2019** and every
40 four (4) years thereafter;

41 elect town council members for terms of four (4) years to those offices
42 whose terms expire at noon January 1 following the election, as



1 provided in IC 36-5-2-3. The election shall be conducted under this
2 chapter.

3 (b) Notwithstanding section 5 of this chapter, a town that adopted
4 an ordinance under section 2.6 of this chapter shall:

5 (1) at the general election in November ~~2006~~ **2016** and every four
6 (4) years thereafter; and

7 (2) at the general election in November ~~2008~~ **2018** and every four
8 (4) years thereafter;

9 elect town council members for terms of four (4) years to those offices
10 whose terms expire at noon January 1 of the following year. The
11 election shall be conducted under this chapter.

12 (c) Notwithstanding section 5 of this chapter, a town that adopted
13 an ordinance under section 2.6 of this chapter shall, at the general
14 election in November ~~2008~~ **2016** and every four (4) years thereafter,
15 elect a town clerk-treasurer and town court judge (if a town court has
16 been established under IC 33-35-1-1) to those offices whose terms
17 expire at noon January 1 of the following year. The election shall be
18 conducted under this chapter.

19 SECTION 17. IC 3-10-8-4 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Each circuit court
21 clerk or town clerk-treasurer who receives a writ ordering a special
22 election shall publish in accordance with IC 5-3-1:

23 (1) under the proper political party or independent candidate
24 designation:

25 (A) the title of office; and

26 (B) the names and addresses of all ~~persons for whom~~
27 ~~nomination papers~~ **candidates who have been filed for**
28 **election to the office, except for an individual with a**
29 **restricted address under IC 36-1-8.5;**

30 if an elected office will be on the ballot at the special election;

31 (2) the text of any public question to be submitted to the voters;

32 (3) the date of the election; and

33 (4) the hours during which the polls will be open.

34 (b) The county election board or town election board shall file a
35 notice of a special election conducted under this chapter with the
36 election division not later than noon ~~thirty (30) days before the election~~
37 ~~is conducted~~ **seven (7) days after receiving the writ.**

38 SECTION 18. IC 3-11-4-4, AS AMENDED BY P.L.219-2013,
39 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2015]: Sec. 4. (a) Applications may be made on application
41 forms approved by the commission by any of the following means:

42 (1) In person.



- 1 (2) By fax transmission.
 2 (3) By mail (including United States mail or bonded courier).
 3 (4) By electronic mail with a digital image of the application and
 4 signature of the applicant, if transmitted by an absent uniformed
 5 services voter or an overseas voter acting under section 6 of this
 6 chapter.
- 7 (b) Application forms shall:
 8 (1) be furnished to a central committee of the county at the
 9 request of the central committee;
 10 (2) be:
 11 (A) mailed;
 12 (B) transmitted by fax; or
 13 (C) transmitted by electronic mail with a digital image of the
 14 application;
 15 upon request, to a voter; ~~applying by mail; by telephone; by~~
 16 ~~electronic mail; or by fax;~~ and
 17 (3) be delivered to a voter in person who applies at the circuit
 18 court clerk's office.
- 19 (c) A county election board shall accept an application for an
 20 absentee ballot transmitted by fax even though the application is
 21 delivered to the county election board by a person other than the person
 22 submitting the application.
- 23 (d) When an application is received under subsection (a)(4), the
 24 circuit court clerk's office (or, in a county subject to IC 3-6-5.2 or
 25 IC 3-6-5.4, the office of the board of elections and registration) shall
 26 send an electronic mail receipt acknowledging receipt of the voter's
 27 application.
- 28 SECTION 19. IC 3-11-4-18, AS AMENDED BY P.L.194-2013,
 29 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 18. (a) If a voter satisfies any of the
 31 qualifications described in IC 3-11-10-24 that entitle a voter to cast an
 32 absentee ballot by mail, the county election board shall, at the request
 33 of the voter, mail the official ballot, postage fully prepaid, to the voter
 34 at the address stated in the application.
- 35 (b) If the county election board mails an absentee ballot to a voter
 36 required to file additional documentation with the county voter
 37 registration office before voting by absentee ballot under this chapter,
 38 the board shall include a notice to the voter in the envelope mailed to
 39 the voter under section 20 of this chapter. The notice must inform the
 40 voter that the voter must file the additional documentation required
 41 under IC 3-7-33-4.5 with the county voter registration office not later
 42 than noon on election day for the absentee ballot to be counted as an



1 absentee ballot, and that, if the documentation required under
 2 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
 3 ballot will be processed as a provisional ballot. The commission shall
 4 prescribe the form of this notice under IC 3-5-4-8.

5 (c) Except as provided in this subsection, section 18.5 of this
 6 chapter, or IC 3-11-10-26.5, the ballot shall be ~~mailed~~ **transmitted**:

7 (1) on the day of the receipt of the voter's application; or

8 (2) not more than five (5) days after the date of delivery of the
 9 ballots under section 15 of this chapter;

10 whichever is later. If the election board determines that the county
 11 voter registration office has received an application from the applicant
 12 for registration at an address within the precinct indicated on the
 13 application, and the election board determines that this application is
 14 pending under IC 3-7-33, the ballot shall be mailed on the date the
 15 county voter registration office indicates under IC 3-7-33-5(f) that the
 16 applicant is a registered voter.

17 (d) As required by 42 U.S.C. 15481, an election board shall
 18 establish a voter education program (specific to a paper ballot or
 19 optical scan ballot card provided as an absentee ballot under this
 20 chapter) to notify a voter of the effect of casting multiple votes for a
 21 single office.

22 (e) As provided by 42 U.S.C. 15481, when an absentee ballot is
 23 ~~mailed~~ **transmitted** under this section, the mailing must include:

24 (1) information concerning the effect of casting multiple votes for
 25 an office; and

26 (2) instructions on how to correct the ballot before the ballot is
 27 cast and counted, including the issuance of replacement ballots.

28 SECTION 20. IC 3-11-10-37 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) Not later
 30 than noon ~~ten (10)~~ **fifty (50)** days before ~~absentee voting begins under~~
 31 ~~section 26 of this chapter~~, **election day**, each county election board
 32 shall notify the county chairmen of the two (2) political parties that
 33 have appointed members on the county election board of the number
 34 of absentee voter boards to be appointed under section 36 of this
 35 chapter.

36 (b) The county chairmen shall make written recommendations for
 37 the appointments to the county election board not later than noon ~~three~~
 38 ~~(3)~~ **forty-six (46)** days before ~~absentee voting begins under section 26~~
 39 ~~of this chapter~~, **election day**. The county election board shall make the
 40 appointments as recommended. If a county chairman fails to make any
 41 recommendations, then the county election board may appoint any
 42 voters of the county who comply with section 36 of this chapter.



1 SECTION 21. IC 3-13-1-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a) As used in**
 3 **this section, "county committee" refers to the precinct**
 4 **committeemen and vice committeemen of a major political party**
 5 **representing a precinct within the county.**

6 ~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; **(c)**, a candidate
 7 vacancy for a local office shall be filled by:

8 (1) a caucus comprised of the precinct committeemen who are
 9 eligible to participate under section 10 of this chapter; or

10 (2) the county chairman of the political party or a caucus
 11 comprised of the chairman, vice chairman, secretary, and
 12 treasurer of the county committee of the party, if:

13 (A) authorized to fill vacancies under this chapter by majority
 14 vote of the county committee; ~~and~~

15 (B) the election district for the local office is entirely within
 16 one (1) county; **and**

17 **(C) documentation of the authority given under clause (A)**
 18 **is attached to the certification of candidate selection filed**
 19 **under section 15 of this chapter.**

20 ~~(b)~~ **(c)** A candidate vacancy for the office of circuit court judge or
 21 prosecuting attorney in a circuit having more than one (1) county shall
 22 be filled by a caucus comprised of the precinct committeemen who
 23 constitute the county committees of the political party for all of the
 24 circuit.

25 SECTION 22. IC 3-13-1-8, AS AMENDED BY P.L.225-2011,
 26 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 8. A meeting under section ~~7~~ **3, 4, 5, or 6** of
 28 this chapter shall be called and chaired by:

29 (1) the state chairman, or a person designated by the state
 30 chairman, for a caucus or committee acting under section 3, 4, 5,
 31 or ~~6(b)~~ **6(c)** of this chapter; or

32 (2) the county chairman of the county in which the greatest
 33 percentage of the population of the election district is located, or
 34 an individual designated by the county chairman, for a caucus or
 35 committee acting under section ~~6(a)~~ **6(b)** of this chapter.

36 SECTION 23. IC 3-13-1-9, AS AMENDED BY P.L.225-2011,
 37 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 9. The call for a meeting under section ~~7~~ **3, 4,**
 39 **5, or 6** of this chapter must:

40 (1) be in writing on a form prescribed by the commission;

41 (2) state the name of the chairman of the meeting;

42 (3) state the purpose of the meeting;



1 (4) state the date, time, and place of the meeting;
 2 (5) be sent by first class mail, at least ten (10) days before the
 3 meeting, to all persons eligible to participate in the meeting; and
 4 (6) be filed not later than noon ten (10) days before the meeting
 5 with the official who is required to receive a certificate of
 6 candidate selection following the caucus under section 15 of this
 7 chapter.

8 SECTION 24. IC 3-13-1-10, AS AMENDED BY P.L.230-2005,
 9 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 10. (a) To be eligible to participate in a
 11 caucus called under section 7 **4, 5, or 6** of this chapter, an elected
 12 precinct committeeman must be entitled to vote for the office for which
 13 a candidate is to be selected. An elected precinct committeeman is
 14 eligible to participate in a caucus called under this chapter, regardless
 15 of when the ballot vacancy occurred.

16 (b) An appointed precinct committeeman is eligible to participate
 17 in a caucus called under section 7 **4, 5, or 6** of this chapter if the
 18 precinct committeeman was a committeeman thirty (30) days before
 19 the vacancy occurred.

20 (c) For purposes of a candidate vacancy resulting from the failure
 21 of a candidate to be nominated at a primary at which precinct
 22 committeemen were elected, an appointed precinct committeeman is
 23 eligible to serve if the committeeman has been reappointed following
 24 the primary in accordance with the rules of the committeeman's
 25 political party.

26 SECTION 25. IC 3-13-1-11, AS AMENDED BY P.L.225-2011,
 27 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 11. (a) At a meeting called under section 7 **3,**
 29 **4, 5, or 6** of this chapter, the eligible participants shall:

- 30 (1) establish the rules of procedure for the caucus or meeting,
 31 except as otherwise provided in this chapter; and
- 32 (2) select, by a majority vote of those casting a vote for a
 33 candidate, a person to fill the candidate vacancy described in the
 34 call for the meeting.

35 (b) If more than one (1) person seeks to fill the vacancy, the
 36 selection shall be conducted by secret ballot.

37 SECTION 26. IC 3-13-1-11.5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) Except as
 39 provided in this section, voting by proxy is not permitted in a caucus
 40 called under section 7 **4, 5, or 6** of this chapter.

41 (b) A precinct vice committeeman is entitled to participate in a
 42 caucus called under section 7 **4, 5, or 6** of this chapter and vote as a



1 proxy for the vice committeeman's precinct committeeman if all of the
2 following apply:

3 (1) The vice committeeman's precinct committeeman is otherwise
4 eligible to participate in the caucus under this chapter.

5 (2) The vice committeeman's precinct committeeman is not
6 present at the caucus.

7 (3) The vice committeeman is eligible under this section.

8 (c) The vice committeeman of an elected precinct committeeman is
9 eligible to participate in a caucus called under section ~~7~~ **4, 5, or 6** of
10 this chapter and vote the precinct committeeman's proxy, regardless of
11 when the ballot vacancy occurred, if the vice committeeman was the
12 vice committeeman five (5) days before the date of the caucus.

13 (d) If a vice committeeman is not eligible under subsection (c), the
14 vice committeeman is eligible to participate in a caucus called under
15 section ~~7~~ **4, 5, or 6** of this chapter and vote the precinct
16 committeeman's proxy only if the vice committeeman was the vice
17 committeeman thirty (30) days before the ballot vacancy occurred.

18 SECTION 27. IC 3-13-1-12, AS AMENDED BY P.L.96-2012,
19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 UPON PASSAGE]: Sec. 12. (a) If a tie vote occurs among participants
21 acting under section 3, 4, 5, or ~~6(b)~~ **6(c)** of this chapter, the chairman
22 of the meeting may cast the tiebreaking vote. If a tie vote occurs among
23 participants acting under section ~~6(a)~~ **6(b)** of this chapter, the county
24 chairman **or an individual designated by the county chairman** may
25 cast the tiebreaking vote.

26 (b) If a quorum required under the rules of a meeting held under this
27 chapter is not present, the county chairman shall fill the candidate
28 vacancy.

29 SECTION 28. IC 3-13-1-13 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. If no person is
31 eligible to participate in the filling of a candidate vacancy for an office
32 under section ~~6(a)~~ **6(b)** of this chapter, the county chairman entitled to
33 call the meeting under section 8 of this chapter shall appoint a person
34 to fill the vacancy.

35 SECTION 29. IC 3-13-1-15, AS AMENDED BY P.L.225-2011,
36 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 15. (a) A county chairman filling a candidate
38 vacancy under section ~~6(a)(2)~~ **6(b)(2)** of this chapter or the chairman
39 of a meeting filling a candidate vacancy under this chapter shall file a
40 written certificate of candidate selection on a form prescribed by the
41 commission stating the following information for each candidate
42 selected:



- 1 (1) The name of each candidate as:
- 2 (A) the candidate wants the candidate's name to appear on the
- 3 ballot; and
- 4 (B) the candidate's name is permitted to appear on the ballot
- 5 under IC 3-5-7.
- 6 (2) The residence address of each candidate.
- 7 (b) The certificate shall be filed with:
- 8 (1) the election division for:
- 9 (A) a committee acting under section 3, 4, 5, or ~~6(b)~~ **6(c)** of
- 10 this chapter; or
- 11 (B) a committee acting under section ~~6(a)~~ **6(b)** of this chapter
- 12 to fill a candidate vacancy in the office of judge of a circuit,
- 13 superior, probate, ~~county~~; or small claims court or prosecuting
- 14 attorney; or
- 15 (2) the circuit court clerk, for a committee acting under section
- 16 ~~6(a)~~ **6(b)** of this chapter to fill a candidate vacancy for a local
- 17 office not described in subdivision (1).
- 18 (c) This subsection applies to a candidate vacancy resulting from a
- 19 vacancy on the primary election ballot as described in section 2 of this
- 20 chapter. The certificate required by subsection (a) shall be filed not
- 21 later than noon July 3 before election day.
- 22 (d) This subsection applies to all candidate vacancies not described
- 23 by subsection (c). The certificate required by subsection (a) shall be
- 24 filed not later than noon three (3) days (excluding Saturdays and
- 25 Sundays) after selection of the candidates.
- 26 SECTION 30. IC 3-13-1-21, AS ADDED BY P.L.124-2012,
- 27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 UPON PASSAGE]: Sec. 21. (a) This section applies to a certificate of
- 29 candidate selection filed under section 15 or 20 of this chapter.
- 30 (b) To enforce the requirements of IC 3-5-4-1.9, the election
- 31 division, a circuit court clerk, or any other official responsible for
- 32 receiving a certificate of candidate selection may not receive a filing of
- 33 a certificate of candidate selection if:
- 34 (1) a notice of a caucus or meeting;
- 35 (2) a declaration of candidacy filed by the individual selected as
- 36 the candidate; or
- 37 (3) the certificate of candidate selection;
- 38 is or was offered to be filed after the deadline for the filing provided by
- 39 this chapter **or was not offered for filing at or before the deadline**
- 40 **for the filing provided by this chapter.**
- 41 SECTION 31. IC 3-13-11-8, AS AMENDED BY P.L.96-2012,
- 42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 8. (a) Except as provided in this chapter, the
 2 caucus shall establish the caucus rules of procedure. The chairman **or**
 3 **an individual designated by the chairman** shall break any tie vote
 4 that occurs in the caucus.

5 (b) If a quorum required under the rules of a meeting held under this
 6 chapter is not present, the county chairman **or an individual**
 7 **designated by the county chairman** shall fill the vacancy that exists
 8 in the local office.

9 SECTION 32. IC 12-14-25-5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A designated
 11 employee may use any of the following methods to transmit voter
 12 registration applications or declinations under section 3 or 4 of this
 13 chapter:

14 (1) Hand delivery to the ~~circuit court clerk~~ **or board of county**
 15 **voter registration office.**

16 (2) ~~Certified Delivery by the United States Postal Service,~~
 17 **using first class mail. return receipt requested.**

18 SECTION 33. IC 20-23-12-9, AS AMENDED BY P.L.179-2011,
 19 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 9. The members are elected as follows:

21 (1) Three (3) of the members elected under section 3(b) of this
 22 chapter are elected at the general election to be held in ~~2012~~ **2016**
 23 and every four (4) years thereafter.

24 (2) Three (3) of the members elected under section 3(b) of this
 25 chapter are elected at the general election to be held in ~~2014~~ **2018**
 26 and every four (4) years thereafter.

27 (3) The at-large member elected under section 3(c) of this chapter
 28 is elected at the general election to be held in ~~2012~~ **2016** and
 29 every four (4) years thereafter.

30 SECTION 34. IC 20-23-14-9, AS AMENDED BY P.L.179-2011,
 31 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2015]: Sec. 9. The members are elected as follows:

33 (1) Three (3) of the members are elected at the general election to
 34 be held in ~~2012~~ **2016** and every four (4) years thereafter.

35 (2) Two (2) of the members are elected at the general election to
 36 be held in ~~2014~~ **2018** and every four (4) years thereafter.

37 SECTION 35. IC 20-23-17.2-3, AS ADDED BY P.L.179-2011,
 38 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2015]: Sec. 3. (a) The governing body of the school
 40 corporation consists of nine (9) members who shall be elected as
 41 follows:

42 (1) One (1) member shall be elected from each of the school



1 districts described in section 4 of this chapter. A member elected
 2 under this subdivision must reside within the boundaries of the
 3 district the member represents.
 4 (2) Three (3) members, who must reside within the boundaries of
 5 the school corporation, shall be elected as at-large members.
 6 (3) All members shall be elected on a nonpartisan basis.
 7 (4) All members shall be elected at the general election held in
 8 the county in ~~2012~~ **2016** and each four (4) years thereafter.
 9 (b) Upon assuming office and in conducting the business of the
 10 governing body, a member shall represent the interests of the entire
 11 school corporation.
 12 SECTION 36. IC 20-23-17.2-9, AS ADDED BY P.L.179-2011,
 13 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 9. The members of the governing body of the
 15 school corporation shall be elected at the general election to be held in
 16 ~~2012~~ **2016** and every four (4) years thereafter.
 17 SECTION 37. IC 36-1.5-4-23, AS AMENDED BY P.L.202-2013,
 18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 23. The legislative body of a reorganizing
 20 political subdivision shall certify the legislative body's final action on
 21 a plan of reorganization or revised plan of reorganization, as modified
 22 by the legislative body, in the manner prescribed by the department of
 23 local government finance, to the following:
 24 (1) The clerk of each reorganizing political subdivision.
 25 (2) The county fiscal officer of each county in which a
 26 reorganizing political subdivision is located.
 27 (3) The county recorder of each county in which a reorganizing
 28 political subdivision is located.
 29 **(4) The county voter registration office of each county in**
 30 **which a reorganizing political subdivision is located.**
 31 SECTION 38. IC 36-1.5-4-28, AS AMENDED BY P.L.202-2013,
 32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 28. (a) ~~For a public question voted on by~~
 34 ~~voters after June 30, 2013;~~ A public question under this chapter shall
 35 be placed on the ballot in all of the precincts that are located in the
 36 reorganizing political subdivisions in substantially the following form:
 37 (Insert a brief description of the structure of the proposed
 38 reorganized political subdivision that will succeed the
 39 reorganizing political subdivisions.)
 40 "Shall _____ (insert name of political subdivision) and
 41 _____ (insert name of political subdivision) reorganize as a
 42 single political subdivision?"



1 (b) The public question must appear on the ballot in the form
 2 approved by the county election board. A brief description of the
 3 reorganized political subdivision that will succeed the reorganizing
 4 political subdivisions, and the public question described in subsection
 5 (a), shall be placed on the ballot in the form prescribed by IC 3-10-9-4.
 6 ~~For a public question voted on by voters after June 30, 2013,~~ The
 7 county election board shall submit the language to the department of
 8 local government finance for review.

9 (c) The department of local government finance shall review the
 10 language of the public question to evaluate whether the description of
 11 the reorganized political subdivision that will succeed the reorganizing
 12 political subdivisions is accurate and is not biased against either a vote
 13 in favor of the reorganization or a vote against the reorganization. The
 14 department of local government finance may:

- 15 (1) approve the ballot language as submitted; or
- 16 (2) modify the ballot language as necessary to ensure that the
 17 description of the reorganized political subdivision that will
 18 succeed the reorganizing political subdivisions is accurate and is
 19 not biased.

20 The department of local government finance shall certify its approval
 21 or recommendations to the county election board not more than ten
 22 (10) days after the language of the public question is submitted to the
 23 department for review. If the department of local government finance
 24 recommends a modification to the ballot language, the county election
 25 board shall, after reviewing the recommendations of the department of
 26 local government finance, submit modified ballot language to the
 27 department for the department's approval or recommendation of any
 28 additional modifications. The public question may not be certified
 29 under IC 3-10-9-3 unless the department of local government finance
 30 has first certified the department's final approval of the ballot language
 31 for the public question **to the county recorder.**

32 **(d) When the county recorder receives final approval of the**
 33 **ballot language under this section, the county recorder shall**
 34 **immediately certify the public question to the county election**
 35 **board under IC 3-10-9-3 and file a notice of the certification with**
 36 **the county auditor. The county election board shall place the public**
 37 **question on the ballot in accordance with IC 3-10-9 at the next**
 38 **regularly scheduled general or municipal election that will occur**
 39 **in all of the precincts of the reorganizing political subdivisions.**

40 SECTION 39. IC 36-5-1-8, AS AMENDED BY P.L.76-2014,
 41 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 8. (a) The county executive may approve a



- 1 petition for incorporation only if it finds all of the following:
- 2 (1) That the proposed town is used or will, in the reasonably
- 3 foreseeable future, be used generally for commercial, industrial,
- 4 residential, or similar purposes.
- 5 (2) That the proposed town is reasonably compact and contiguous.
- 6 (3) That the proposed town includes enough territory to allow for
- 7 reasonable growth in the foreseeable future.
- 8 (4) That a substantial majority of the property owners in the
- 9 proposed town have agreed that at least six (6) of the following
- 10 municipal services should be provided on an adequate basis:
- 11 (A) Police protection.
- 12 (B) Fire protection.
- 13 (C) Street construction, maintenance, and lighting.
- 14 (D) Sanitary sewers.
- 15 (E) Storm sewers.
- 16 (F) Health protection.
- 17 (G) Parks and recreation.
- 18 (H) Schools and education.
- 19 (I) Planning, zoning, and subdivision control.
- 20 (J) One (1) or more utility services.
- 21 (K) Stream pollution control or water conservation.
- 22 (5) That the proposed town could finance the proposed municipal
- 23 services with a reasonable tax rate, using the current assessed
- 24 valuation of properties as a basis for calculation.
- 25 (6) That incorporation is in the best interest of the territory
- 26 involved. This finding must include a consideration of:
- 27 (A) the expected growth and governmental needs of the area
- 28 surrounding the proposed town;
- 29 (B) the extent to which another unit can more adequately and
- 30 economically provide essential services and functions; and
- 31 (C) the extent to which the incorporators are willing to enter
- 32 into agreements under IC 36-1-7 with the largest neighboring
- 33 municipality, if that municipality has proposed such
- 34 agreements.
- 35 (b) If the county executive determines that the petition satisfies the
- 36 requirements set forth in subsection (a), the county executive may do
- 37 any of the following:
- 38 (1) Adopt an ordinance under section 10.1 of this chapter
- 39 incorporating the town.
- 40 (2) Deny the petition.
- 41 (3) Adopt a resolution to place a public question concerning the
- 42 incorporation on the ballot at an election. The county executive



1 shall request a date for the election as follows:

2 (A) If the county executive requests the public question be on
3 the same date as a general election or primary election:

4 (i) the resolution must state that the election is to be on the
5 same date as a general or primary election, and must be
6 certified in accordance with IC 3-10-9-3; and

7 (ii) the election must be held on the date of the next general
8 election or primary election, whichever is earlier, at which
9 the question can be placed on the ballot under IC 3-10-9-3.

10 (B) If a petition contains a request for a special election, the
11 county executive may request that the public question
12 concerning the incorporation will be on the ballot of a special
13 election. An election may be considered a special election only
14 if it is conducted on a date other than the date of a general
15 election or primary election. The date of the special election
16 must be:

17 (i) at least seventy-four (74) and not more than one hundred
18 four (104) days after the notice of the election is filed under
19 IC 3-10-8-4; and

20 (ii) not later than the next general election or primary
21 election, whichever is earlier. ~~at which the question can be
22 placed on the ballot under IC 3-10-9-3.~~

23 If the public question is on the ballot of a special election, the
24 petitioners shall pay the costs of holding the special election.
25 If the county executive adopts a resolution under this subdivision,
26 the county executive shall file the resolution and the petition with
27 the circuit court clerk of each county that contains any part of the
28 territory sought to be incorporated.

29 (c) After a resolution is filed with a circuit court clerk under
30 subsection (b)(3), the circuit court clerk shall certify the resolution to
31 the county election board. The county election board shall place the
32 following public question on the ballot:

33 "Shall (insert a description of the territorial boundaries) be
34 incorporated as a town?"

35 Only the registered voters residing within the territory of the proposed
36 town may vote on the public question.

37 (d) Not earlier than sixty (60) days and not later than thirty (30) days
38 before the election, the petitioners shall publish a notice in accordance
39 with IC 5-3-1 in each county where the proposed town is located. The
40 notice must include the following:

41 (1) A description of the boundaries of the proposed town and the
42 quantity of land contained in the territory of the proposed town.



- 1 (2) The information provided under section 3(3) through 3(6) of
- 2 this chapter.
- 3 (3) The name, telephone number, and electronic mail address (if
- 4 available) of the contact person for the petitioners.
- 5 (4) A statement that the petition is available for inspection and
- 6 copying in the office of the circuit court clerk of each county
- 7 where the proposed town is located.
- 8 The petitioners shall submit proof of publication of the notice to the
- 9 circuit court clerk of each county in which the proposed town is
- 10 located. A defect in the form of the notice does not invalidate the
- 11 petition.
- 12 (e) If a majority of the voters residing within the territory of the
- 13 proposed town:
- 14 (1) vote "no" on the public question, the territory is not
- 15 incorporated as a town, and a new petition for incorporation may
- 16 not be filed within the period set forth in section 9 of this chapter;
- 17 or
- 18 (2) vote "yes" on the public question, the county executive of each
- 19 county in which the proposed town is located shall adopt an
- 20 ordinance under section 10.1 of this chapter.
- 21 (f) The circuit court clerk shall certify the results of a public
- 22 question under this section to the following:
- 23 (1) The county executive of each county in which the proposed
- 24 incorporated territory is located.
- 25 (2) The county auditor of each county in which the proposed
- 26 incorporated territory is located.
- 27 (3) The department of local government finance.
- 28 (4) The department of state revenue.
- 29 (5) The state board of accounts.
- 30 (6) The office of the secretary of state.
- 31 (7) The office of census data established by IC 2-5-1.1-12.2.
- 32 **(8) The election division.**
- 33 **SECTION 40. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1139, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 17, line 35, delete "." and insert "**and file a notice of the certification with the county auditor.**".

and when so amended that said bill do pass.

(Reference is to HB 1139 as introduced.)

SMITH M

Committee Vote: yeas 12, nays 0.

