
SENATE BILL No. 312

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-4-8; IC 3-7-31-5; IC 3-8; IC 3-9-3-2.5; IC 3-11; IC 3-13-1.

Synopsis: Various election matters. Allows the election commission to allow use of an earlier version of an election or registration form if: (1) the earlier form complies with federal and state election law; (2) the earlier form will not be confusing to the user; and (3) use of the earlier form will prevent waste and unnecessary expense. Requires an applicant to provide the last four digits of the applicant's Social Security number on a voter registration form. Provides that various petitions must contain the birth date of each petitioner. Exempts a distribution of not more than 100 substantially similar fliers, handbills, or brochures from the disclaimer requirements for campaign materials. Changes the size of a precinct from 1,200 voters to 2,000 voters. Eliminates the requirement that a circuit court clerk identify the precinct on a ballot card's secrecy envelope. Eliminates the post-test requirement for an optical scan voting system. Changes the date by which a vacancy on a general or municipal ballot must be filled from August 1 to not later than 30 days after the primary election. Assigns the following study topics to the census data advisory committee: (1) Requiring municipal election calendars to conform to county, state, and federal elections. (2) The movement of municipal elections from odd-numbered years to even-numbered years.

Effective: Upon passage; January 1, 2001.

Landske

January 10, 2000, read first time and referred to Committee on Elections.



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Introduced

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

SENATE BILL No. 312

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 3-5-4-8, AS AMENDED BY P.L.38-1999,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2001]: Sec. 8. (a) Except as provided in subsection (e),
4 but notwithstanding any other statute, whenever the commission acts
5 under IC 3-6-4.1-14 to approve a uniform election or registration form
6 for use throughout Indiana or to approve a revision to an existing form,
7 a person must use the most recent version of the form approved by the
8 commission to comply with this title after the effective date of the
9 commission's order approving the form.

10 (b) Except as provided in subsection (d) or (f), before an order
11 approving a form takes effect under this section, the election division
12 shall transmit a copy of each form or revised form approved by the
13 order to the following:

14 (1) Each circuit court clerk, if the commission determines that the
15 form is primarily used by a candidate, a county election board
16 member, a county or town political party, or for absentee ballot
17 purposes.

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- 1 (2) Each county voter registration office, if the commission
 2 determines that the form is primarily used in voter registration.
 3 (3) The state chairman of each major political party.
 4 (4) The state chairman of any other political party who has filed
 5 a written request with the election division during the preceding
 6 twelve (12) months to be furnished with copies of forms.
- 7 (c) The election division, an election board, a circuit court clerk, a
 8 county voter registration office, or any other official responsible for
 9 receiving a filing under this title shall reject a filing that does not
 10 comply with this section.
- 11 (d) The commission shall specify the effective date of the form or
 12 revised form and may:
- 13 (1) delay the effective date of the approval of a form or revised
 14 form; and
 15 (2) permit an earlier approved version of the form or an
 16 alternative form to be used before the effective date of the form;
 17 if the commission determines that an emergency requires the use of the
 18 form before copies can be transmitted to all persons entitled to receive
 19 copies of the form under subsection (b).
- 20 (e) ~~This subsection applies to a form permitting an individual to~~
 21 ~~apply for voter registration or to amend the individual's existing voter~~
 22 ~~registration record.~~ The commission may allow an earlier approved
 23 version of ~~the a~~ form to be used if the:
- 24 (1) earlier version of the form complies with all other
 25 requirements imposed under ~~NVRA~~ federal law or this title; and
 26 (2) **commission determines that the earlier version of the form**
 27 **will not be confusing to the user of the form; and**
 28 (3) commission determines that the existing stock of the form
 29 should be exhausted to prevent waste and unnecessary expense.
- 30 (f) This subsection applies to a form that the commission determines
 31 is used primarily by the election division. The commission may provide
 32 that an order concerning a form described by this subsection is
 33 effective immediately upon adoption, without any requirement to
 34 distribute the form to other persons.
- 35 SECTION 2. IC 3-7-31-5 IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JANUARY 1, 2001]: Sec. 5. The registration forms
 37 prescribed under section 1 of this chapter must:
- 38 (1) provide for the residence address and the mailing address of
 39 the individual completing the forms;
 40 (2) contain a statement that a notice of disposition of the person's
 41 registration application will be mailed to the mailing address of
 42 the individual; and

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1 (3) ~~request the~~ **require the applicant to provide the last four (4)**
 2 **digits of the applicant's** Social Security number. ~~of the applicant;~~
 3 as permitted under the federal Privacy Act of 1974 (5 U.S.C.
 4 552a).

5 SECTION 3. IC 3-8-2-8 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JANUARY 1, 2001]: Sec. 8. (a) A declaration of
 7 candidacy for the office of United States Senator or for the office of
 8 governor must be accompanied by a petition signed by at least five
 9 thousand (5,000) voters of the state, including at least five hundred
 10 (500) voters from each congressional district.

11 (b) Each petition must contain the following:

- 12 (1) The signature of each petitioner.
 13 (2) The name of each petitioner legibly printed.
 14 (3) The residence mailing address of each petitioner.
 15 **(4) The birth date of each petitioner.**

16 (c) This subsection applies to a petition filed during the period:

- 17 (1) beginning on the date that a congressional district plan has
 18 been adopted under IC 3-3; and
 19 (2) ending on the date that the part of the act or order issued under
 20 IC 3-3-2 establishing the previous congressional district plan is
 21 repealed or superseded.

22 The petition must be signed by at least five thousand (5,000) voters of
 23 Indiana, including at least five hundred (500) voters from each
 24 congressional district created by the most recent congressional district
 25 plan adopted under IC 3-3.

26 SECTION 4. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JANUARY 1, 2001]: Sec. 2. (a) A request filed under
 28 section 1 of this chapter must be accompanied by a petition signed by
 29 at least five thousand (5,000) voters of the state, including at least five
 30 hundred (500) voters from each congressional district.

31 (b) Each petition must contain the following:

- 32 (1) The signature of each petitioner.
 33 (2) The name of each petitioner legibly printed.
 34 (3) The residence mailing address of each petitioner.
 35 **(4) The birth date of each petitioner.**

36 (c) This subsection applies to a petition filed during the period:

- 37 (1) beginning on the date that a congressional district plan has
 38 been adopted under IC 3-3; and
 39 (2) ending on the date that the part of the act or order issued under
 40 IC 3-3-2 establishing the previous congressional district plan is
 41 repealed or superseded.

42 The petition must be signed by at least five thousand (5,000) voters of

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1 Indiana, including at least five hundred (500) voters from each
 2 congressional district created by the most recent congressional district
 3 plan adopted under IC 3-3.

4 SECTION 5. IC 3-8-6-6 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JANUARY 1, 2001]: Sec. 6. The signatures to a petition
 6 of nomination need not be appended to one (1) paper, but a petitioner
 7 may not be counted unless at the time of signing the petitioner is
 8 registered and qualified to vote. Each petition must contain the
 9 following:

- 10 (1) The signature of each petitioner.
- 11 (2) The name of each petitioner legibly printed.
- 12 (3) The residence mailing address of each petitioner.

13 **(4) The birth date of each petitioner.**

14 SECTION 6. IC 3-9-3-2.5, AS AMENDED BY P.L.176-1999,
 15 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2001]: Sec. 2.5. (a) This section does not apply to any of
 17 the following:

- 18 (1) A communication relating to an election to a federal office.
- 19 (2) A communication relating to the outcome of a public question.
- 20 (3) A communication described by this section in a medium
 21 regulated by federal law to the extent that federal law regulates
 22 the appearance, content, or placement of the communication in
 23 the medium.
- 24 (4) Bumper stickers, pins, buttons, pens, and similar small items
 25 upon which the disclaimer required by this section cannot be
 26 conveniently printed.
- 27 (5) Skywriting, water towers, wearing apparel, or other means of
 28 displaying an advertisement on which the inclusion of a
 29 disclaimer would be impracticable.
- 30 (6) Checks, receipts, and similar items of minimal value that do
 31 not contain a political message and are used for purely
 32 administrative purposes.
- 33 (7) A communication by a political action committee organized
 34 and controlled by a corporation soliciting contributions to the
 35 political action committee by the stockholders, executives, or
 36 employees of the corporation and the families of those
 37 individuals.
- 38 (8) A communication by a political action committee organized
 39 and controlled by a labor organization soliciting contributions to
 40 the political action committee by the members or executive
 41 personnel of the labor organization and the families of those
 42 individuals.



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- 1 (9) A direct mailing of one hundred (100) or less substantially
 2 similar pieces of mail.
- 3 **(10) A distribution of not more than one hundred (100)**
 4 **substantially similar fliers, handbills, or brochures.**
- 5 (b) This section applies whenever a person:
- 6 (1) makes an expenditure for the purpose of financing
 7 communications expressly advocating the election or defeat of a
 8 clearly identified candidate; or
 9 (2) solicits a contribution;
- 10 through a newspaper, a magazine, an outdoor advertising facility, a
 11 poster, a yard sign, a direct mailing, or any other type of general public
 12 political advertising.
- 13 (c) For purposes of this section, a candidate is clearly identified if
 14 any of the following apply:
- 15 (1) The name of the candidate involved appears.
 16 (2) A photograph or drawing of the candidate appears.
 17 (3) The identity of the candidate is apparent by unambiguous
 18 reference.
- 19 (d) A communication described in subsection (b) must contain a
 20 disclaimer that appears and is presented in a clear and conspicuous
 21 manner to give the reader or observer adequate notice of the identity of
 22 persons who paid for and, when required, who authorized the
 23 communication. A disclaimer does not comply with this section if the
 24 disclaimer is difficult to read or if the placement of the disclaimer is
 25 easily overlooked.
- 26 (e) A communication that would require a disclaimer if distributed
 27 separately must contain the required disclaimer if included in a
 28 package of materials.
- 29 (f) This subsection does not apply to a communication, such as a
 30 billboard, that contains only a front face. The disclaimer need not
 31 appear on the front or cover page of the communication if the
 32 disclaimer appears within the communication.
- 33 (g) Except as provided in subsection (h), a communication
 34 described in subsection (b) must satisfy one (1) of the following:
- 35 (1) If the communication is paid for and authorized by:
 36 (A) a candidate;
 37 (B) an authorized political committee of a candidate; or
 38 (C) the committee's agents;
 39 the communication must clearly state that the communication has
 40 been paid for by the authorized political committee.
- 41 (2) If the communication is paid for by other persons but
 42 authorized by:

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- 1 (A) a candidate;
 2 (B) an authorized political committee of a candidate; or
 3 (C) the committee's agents;
 4 the communication must clearly state that the communication is
 5 paid for by the other persons and authorized by the authorized
 6 political committee.
 7 (3) If the communication is not authorized by:
 8 (A) a candidate;
 9 (B) an authorized political committee of a candidate; or
 10 (C) the committee's agents;
 11 the communication must clearly state the name of the person who
 12 paid for the communication and state that the communication is
 13 not authorized by any candidate or candidate's committee.
 14 (4) If the communication is a solicitation directed to the general
 15 public on behalf of a political committee that is not a candidate's
 16 committee, the solicitation must clearly state the full name of the
 17 person who paid for the communication.
 18 (h) A communication by a regular party committee consisting of:
 19 (1) a printed slate card, a sample ballot, or other printed listing of
 20 three (3) or more candidates for public office at an election;
 21 (2) campaign materials such as handbills, brochures, posters,
 22 party tabloids or newsletters, and yard signs distributed by
 23 volunteers and used by the regular party committee in connection
 24 with volunteer activities on behalf of any nominee of the party; or
 25 (3) materials distributed by volunteers as part of the regular
 26 party's voter registration or get-out-the-vote efforts;
 27 must clearly state the name of the person who paid for the
 28 communication but is not required to state that the communication is
 29 authorized by any candidate or committee.
 30 SECTION 7. IC 3-11-1.5-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. (a) Except as
 32 provided in:
 33 (1) subsection (b);
 34 (2) subsection (c);
 35 (3) section 3.2 of this chapter; or
 36 (4) section 3.5 of this chapter;
 37 a county executive shall establish precincts so that a precinct contains
 38 ~~no not~~ more than ~~one two~~ thousand ~~two hundred~~ (1,200) (2,000) active
 39 voters.
 40 (b) This subsection applies to a precinct that includes:
 41 (1) an entire township, but does not cross a township boundary in
 42 violation of section 4 of this chapter;

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1 (2) an entire city legislative body district, but does not cross the
2 boundary of a city legislative body district;

3 (3) an entire town legislative body district, but does not cross the
4 boundary of a town legislative body district; or

5 (4) one (1) residential structure containing more than ~~one two~~
6 thousand ~~two hundred (1,200)~~ **(2,000)** active voters and no other
7 residential structure containing voters.

8 In changing precincts or establishing new precincts, a county executive
9 shall arrange a precinct so that it will contain ~~no not~~ more than ~~one two~~
10 thousand five hundred ~~(1,500)~~ **(2,500)** active voters.

11 (c) A county executive is not required to establish precincts so that
12 a precinct contains not more than ~~one two~~ thousand ~~two hundred~~
13 ~~(1,200)~~ **(2,000)** active voters if the precinct:

14 (1) was established by the county executive in compliance with
15 subsection (a) within the preceding forty-eight (48) months; and

16 (2) contains not more than ~~one two~~ thousand ~~four three~~ hundred
17 ~~(1,400)~~ **(2,300)** active voters.

18 SECTION 8. IC 3-11-13-19 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 19. Each circuit
20 court clerk shall print or stamp ~~the precinct number or designation and~~
21 a line for each poll clerk's initials on both a ballot card and the ballot
22 card's secrecy envelope before the election. **However, the clerk shall**
23 **print or stamp the precinct number or designation on the ballot**
24 **card only.**

25 SECTION 9. IC 3-11-13-26, AS AMENDED BY P.L.176-1999,
26 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JANUARY 1, 2001]: Sec. 26. (a) **This section does not apply to an**
28 **optical scan ballot card voting system.**

29 (b) The public test required by section 22(b) of this chapter shall be
30 repeated and certified again in the same manner immediately before the
31 start of the official count of the ballot cards.

32 (c) The certification shall be filed with the election returns but is not
33 required to be filed with the election division.

34 ~~(e)~~ **(d)** After the completion of the count, the county election board
35 shall conduct a posttest using the same sample included in the public
36 test conducted under section 22(b) of this chapter. The county election
37 board shall certify the results of the posttest and file the certification
38 with the election returns. A copy of the posttest certification is not
39 required to be filed with the election division.

40 ~~(d)~~ **(e)** After completion of the posttest, the tested tabulating
41 machines shall be sealed in the same manner as voting machines under
42 IC 3-12-2.5-6. The ballot cards and all other election materials shall be

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1 sealed, retained, and disposed of as provided for paper ballots.

2 SECTION 10. IC 3-13-1-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. A candidate
4 vacancy that exists on a primary election ballot may not be filled for the
5 primary election. The resulting vacancy on the following general or
6 municipal election ballot may be filled in the manner prescribed by this
7 chapter, but only if it is filled ~~by noon August 1 before election day.~~
8 **not later than noon thirty (30) days after the primary election.**

9 SECTION 11. IC 3-13-1-7, AS AMENDED BY P.L.176-1999,
10 SECTION 113, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JANUARY 1, 2001]: Sec. 7. (a) Except as provided in
12 subsection (c), action to fill a candidate vacancy for an office for which
13 a declaration of candidacy must be filed with the secretary of state
14 under IC 3-8-2-5 must be taken:

15 (1) ~~before not later than noon thirty-five (35) thirty (30) days~~
16 after the primary election if the vacancy exists on a general
17 election ballot; ~~and or~~

18 (2) ~~within not later than~~ thirty (30) days after the occurrence of
19 the vacancy, if the vacancy exists on a special election ballot.
20 ~~subject to section 2 of this chapter.~~

21 (b) Except as provided in subsection (c), action to fill a candidate
22 vacancy not described in subsection (a) must be taken:

23 (1) ~~before not later than noon August 1,~~ **thirty (30) days after**
24 **the primary election** if the vacancy exists on a general or
25 municipal election ballot; ~~and or~~

26 (2) ~~within not later than~~ thirty (30) days after the occurrence of
27 the vacancy, if the vacancy exists on a special election ballot.
28 ~~subject to section 2 of this chapter.~~

29 (c) This subsection applies to a candidate vacancy that exists due to:

- 30 (1) the death of a candidate;
31 (2) the withdrawal of a candidate;
32 (3) the disqualification of a candidate under IC 3-8-1-5; or
33 (4) a court order issued under IC 3-8-7-29(d);

34 before the thirtieth day before a general, municipal, or special election.
35 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this
36 chapter for reasons permitted under this subsection must be taken
37 ~~within not later than~~ thirty (30) days after the occurrence of the
38 vacancy.

39 SECTION 12. IC 3-13-1-15, AS AMENDED BY P.L.202-1999,
40 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JANUARY 1, 2001]: Sec. 15. (a) A county chairman filling a candidate
42 vacancy under section 6(a)(2) of this chapter or the chairman of a

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1 meeting filling a candidate vacancy under this chapter shall file a
 2 written certificate of candidate selection on a form prescribed by the
 3 commission stating the following information for each candidate
 4 selected:

5 (1) The name of each candidate as:

6 (A) the candidate wants the candidate's name to appear on the
 7 ballot; and

8 (B) the candidate's name is permitted to appear on the ballot
 9 under IC 3-5-7.

10 (2) The address of each candidate.

11 (b) The certificate shall be filed with:

12 (1) the election division for:

13 (A) a committee acting under section 3, 4, 5, or 6(b) of this
 14 chapter; or

15 (B) a committee acting under section 6(a) of this chapter to fill
 16 a candidate vacancy in the office of judge of a circuit, superior,
 17 probate, county, or small claims court or prosecuting attorney;
 18 or

19 (2) the circuit court clerk, for a committee acting under section
 20 6(a) of this chapter to fill a candidate vacancy for a local office
 21 not described in subdivision (1).

22 (c) This subsection applies to a candidate vacancy resulting from a
 23 vacancy on the primary election ballot as described in section 2 of this
 24 chapter. The certificate required by subsection (a) shall be filed not
 25 later than noon ~~August 4, before election day~~ **three (3) days**
 26 **(excluding Saturdays and Sundays) after the deadline for filling the**
 27 **vacancy.**

28 (d) This subsection applies to all candidate vacancies not described
 29 by subsection (c). The certificate required by subsection (a) shall be
 30 filed not more than three (3) days (excluding Saturdays and Sundays)
 31 after selection of the candidates.

32 SECTION 13. IC 3-13-1-16.5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16.5. (a) All
 34 questions concerning the validity of a certificate of candidate selection
 35 filed with the election division shall be determined by the commission.

36 (b) All questions concerning the validity of a certificate of candidate
 37 selection filed with a circuit court clerk shall be referred to and
 38 determined by the county election board.

39 (c) The commission or a county election board shall rule on the
 40 validity of the certificate of candidate selection not later than noon
 41 ~~October 1 following~~ **fifty-six (56) days after** the filing of the
 42 certificate.



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1 SECTION 14. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "committee" refers to the census data advisory
3 committee established by IC 2-5-19-2.
4 (b) Before January 1, 2001, the committee shall study the
5 following:
6 (1) The standardization of municipal election calendars to
7 conform to county, state, and federal elections, including the
8 following possibilities:
9 (A) The elimination of town conventions under IC 3-8-5.
10 (B) The implementation of primaries for the nomination of
11 candidates in small town elections.
12 (2) The elimination of municipal elections in odd-numbered
13 years so that all municipal elections are held in
14 even-numbered years with countywide elections.
15 Before January 1, 2001, the committee shall make
16 recommendations regarding these subjects to the legislative council
17 as the committee considers necessary.
18 (c) This SECTION expires January 1, 2001.
19 SECTION 15. An emergency is declared for this act.

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