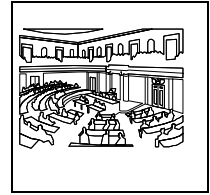



# 1993 Indiana Election Legislation Summary




Prepared by J. Bradley King, General Counsel  
Indiana State Election Board

The following is a summary of election-related legislation that passed the Indiana General Assembly and became law in 1993. Nine bills passed that made substantive changes to election law: HEA 1151 (Public Law 1-1993); HEA 1708 (Public Law 3-1993); HEA 1722 (Public Law 14-1993); HEA 1196 (Public Law 15-1993); HEA 1066 (Public Law 16-1993); HEA 1283 (Public Law 17-1993); HEA 1483 (Public Law 18-1993); SEA 434 (Public Law 19-1993); and HEA 1043 (Public Law 20-1993). SEA 24 (Public Law 2-1993), SEA 485 (Public Law 8-1993), and SEA 225 (Public Law 11-1993) also made technical amendments to the election code concerning the recodification of the public health law (IC 16), limited liability companies, and the "sunset" process for state agencies.


 **NOTE:** The National Voter Registration Act of 1993 (better known as "Motor Voter") was signed into law on May 20, 1993. *THIS IS FEDERAL, NOT STATE, LEGISLATION*, and is effective for most purposes on January 1, 1995.


For more information, refer to the enrolled act or contact the State Election Board.

## ABSENTEE VOTING AND TRANSFER REQUESTS

 1. The State Election Board may, by unanimous vote, establish a pilot project for the central counting of absentee ballots in up to five counties, after a unanimous vote by the county election board to apply for project designation. The procedure for conducting a central count of absentee ballots is established. Expires December 31, 1995. (IC 3-11.5, as added by SEA 434, SECTION 2, and HEA 1708, SECTIONS 176, 287. Effective July 1, 1993.)

2. A precinct election board officer or absentee ballot counter in a county participating in the pilot project for the central count of absentee ballots who violates voter privacy, prematurely disclose vote totals, or knowingly miscounts ballots commits a Class D felony, punishable by up to 3 years in prison and a maximum fine of \$10,000. (IC 3-14-2-6, IC 3-14-2-27, IC 3-14-4-8, as amended by HEA 1708, SECTIONS 232-233, and 235. IC 3-14-4-10, as added by HEA 1708, SECTION 236. Effective July 1, 1993.)

 3. A voter who resided in an Indiana precinct and changes residence to another Indiana precinct in the final 30 days before election day may return to the voter's former precinct and, upon filing a request for transfer affidavit, vote for all offices on the ballot in the former precinct. This voter may also request and execute the transfer affidavit at the former precinct. If the voter has moved out of the county, the clerk or board of the former county must cancel the voter's registration upon receiving the affidavit. (Formerly, this voter could only vote in the former precinct if the voter moved within the same county, and was required to execute the transfer affidavit in the office of the circuit court clerk or board of registration before election day). (IC 3-7-4.5, as added by HEA 1283, SECTION 4; IC 3-7-8-2, as amended by HEA 1283, SECTION 5; IC 3-7-8-11.5, as added by HEA 1283, SECTION 7. Effective July 1, 1993)

 4. An elderly voter (a voter who is at least 65 years of age) and any disabled voter (not only a disabled voter with an inaccessible precinct) may vote absentee whether or not the elderly or disabled voter's precinct is accessible. (IC 3-11-4-1, as amended by HEA 1708, SECTION 124. Effective July 1, 1993.)

5. A county election board may, by unanimous vote, authorize a travelling board to travel outside of the county to visit a confined voter. (IC 3-11-10-25, as amended by HEA 1708, SECTION 152. Effective July 1, 1993.)

6. The state election board will prepare a special early absentee ballot for military voters outside of the United States and overseas voters. The ballot will not contain party or candidate names and would be supplied by the State Election Board to clerks in June for mailing to voters outside of the U.S. The ballot must include a form permitting absentee registration. These voters will also be mailed a regular absentee ballot when the ballot becomes available. If a military or overseas voter returns both a regular absentee ballot and the special overseas absentee ballot, then only the regular absentee ballot is counted. (IC 3-11-4-12, IC 3-11-4-13, IC 3-11-4-18, as amended by HEA 1708, SECTIONS 126-128; IC 3-11-10-12, as amended by HEA 1708, SECTION 151. Effective July 1, 1993.)

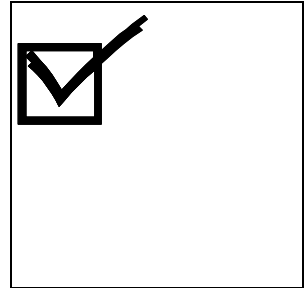
7. A person assisting a confined voter in voting before a traveling absentee board is not required to execute an affidavit concerning assisting the voter. (IC 3-11-9-2 and IC 3-11-9-3, as amended by HEA 1708, SECTIONS 149-150. Effective July 1, 1993.)



8. A general power of attorney does not give the principal authority to cast an absentee ballot or regular ballot for the person. (IC 30-5-5-14, as amended by HEA 1708, SECTION 251. Effective July 1, 1993.)

9. An absentee ballot voted before a traveling board is required to have the initials of the absentee board located in the circuit court clerk's office. (IC 3-11-10-27, as amended by HEA 1708, SECTION 153. Effective July 1, 1993.)

10. The affidavit for "presidential only" voting may be executed at a substation as well as the principal office of the clerk. The clerk or board must mail a copy of the affidavit to a voter who requests it not later than 5 days before election day, and process the affidavit if the voter returns it. (IC 3-7-4-3, as amended by HEA 1708, SECTION 36. Effective July 1, 1993.)



### **BALLOTS, SUPPLIES, AND RETENTION**



1. Generally, all election related material must be retained for 22 months after the election, and can then be disposed of after appropriate action by the county commission on public records.

\* Unused ballots can be disposed of immediately after the deadline for filing a recount or contest (instead of 22 months under former law), and may be destroyed in any manner (not just by burning or shredding).

\* Poll lists must be retained for 22 months (instead of 5 years under former law).

\* Cancelled registration records must be retained for 22 months following the first general or municipal election occurring after the records were cancelled (instead of permanently retained under former law).

\* Election material from city and town elections or special elections must be retained for 22 months (instead of 3 months under former law).

\* Certificates and petitions of nomination must be retained for 22 months (instead of 6 months under former law).

(IC 3-7-9-20, as amended by HEA 1722, SECTION 22; IC 3-8-7-24, as amended by HEA 1708, SECTION 79; IC 3-10-1-31, as amended by HEA 1708, SECTION 93; IC 3-11-3-31, as amended by HEA 1708, SECTION 123; IC 3-11-8-30, as amended by HEA 1708, SECTION 148. Effective July 1, 1993.)

2. The State Election Board or a county election board may either reprint ballots with errors or to use ballots despite an error or omission if: (1) after a public hearing with notice to each interested party, no voter objects to using the ballots; and (2) the board finds that using the ballots would not be likely to result in voter confusion or mistakes. If the ballots are reprinted, defective ballots already cast are legalized if voter intent can be determined. (IC 3-11-2-16, as added by HEA 1708, SECTION 118. Effective July 1, 1993.)

3. The county election board must notify county chairmen before distributing ballots so that county chairmen may inspect the ballots if they wish. (IC 3-6-5-14, as amended by HEA 1708, SECTION 13. Effective July 1, 1993.)

4. If a candidate dies, but the county election board has not yet received the death certificate (due to a delay in the coroner's investigation, for example), the board may find that there is good cause to believe that the candidate has died, and order that the circuit court clerk (or absentee voter board and precinct inspectors if necessary) put opaque pasters over the candidate's name on the ballot. (IC 3-11-3-29.5 and IC 3-11-3-30, as added by HEA 1708, SECTIONS 121-122. Effective July 1, 1993.)

5. If a county has a computerized registration system and furnishes the inspector with a certified printout of the "ten day run", the county election board is not required to have looseleaf or book poll lists also printed and delivered to the precincts. (IC 3-11-3-17, as amended by HEA 1708, SECTION 119. Effective July 1, 1993.)

6. A county election board must have voting instructions for polling places printed in at least **14 point** type. The precinct election board must have a magnifier available to furnish to voters upon request. (IC 3-11-3-22, as amended by HEA 1708, SECTION 120. Effective July 1, 1993.)



7. The voting instructions to be printed on all ballots have been revised to state that a vote for an independent candidate will not be counted for any other independent candidate on the ballot, and to state that a write-in vote will not be counted unless the vote is for a declared write-in candidate. The instructions to be printed on the ballot for straight party voting have been slightly reworded. (IC 3-11-2-9, IC 3-11-2-10, as amended by HEA 1708, SECTIONS 116-117; IC 3-11-11-10, as amended by HEA 1708, SECTION 159; IC 3-11-13-12, as amended by HEA 1708, SECTION 165. IC 3-11-2-11, repealed by HEA 1708, SECTION 282. Effective July 1, 1993.)

8. A voter may use a pen or a pencil to vote a paper ballot. (IC 3-11-11-6, as amended by HEA 1708, SECTION 158. Effective July 1, 1993.)

9. A write-in vote cast on a punch card secrecy envelope makes the envelope a ballot for election law purposes. (IC 3-11-13-28.7, as amended by HEA 1708, SECTION 169. Effective July 1, 1993.)

10. An independent candidate is placed on statewide ballots after political party tickets that ran a candidate for Secretary of State in the last election for that office. If a political party did not run a candidate for that office, the party or independent ticket is placed on the ballot in which the petition of nomination was filed. (IC 3-10-4-2, IC 3-10-4-5, as amended by HEA 1708, SECTIONS 96-97; IC 3-11-2-6, as amended by HEA 1708, SECTION 115; IC 3-11-5-10 and IC 3-11-7-4, as amended by HEA 1708, SECTIONS 130-131; IC 3-11-12-18, as amended by HEA 1708, SECTION 162. IC 3-11-14-7, as amended by HEA 1708, SECTION 171. Effective July 1, 1993.)


11. The declaration of candidacy forms are revised to include the name of the candidate as the candidate wishes for it to appear on the ballot; the mailing address of a candidate, if different from the residence address; a statement indicating whether a candidate has filed all annual campaign finance reports from previous campaigns; an explicit reference to the requirements for residency and lack of criminal convictions; the political party affiliation of write-in candidates, if any. (IC 3-8-2-2.5, as amended by HEA 1708, SECTION 57; IC 3-8-5-10.5, as amended by HEA 1708, SECTION 65; IC 3-8-6-5, as amended by HEA 1708, SECTION 72. Effective July 1, 1993.)


12. In Lake County, in precincts where a voting machine or electronic voting system malfunctions, the County Election Board must provide not less than ten paper ballots if the precinct has no more than 300 registered voters, and not less than 25 paper ballots if the precinct has more than 300 registered voters. (IC 3-11-3-35, as amended by HEA 1043, SECTION 1. Effective July 1, 1993)

13. The certificate of nomination for major party candidates nominated by small town convention has some technical revisions. (IC 3-8-5-14, as amended by HEA 1708, SECTION 68. Effective July 1, 1993)

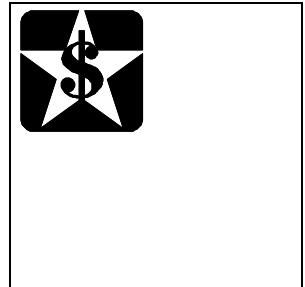
14. In presidential election years, at least one copy of the "presidential only" affidavit must be included in each inspector's supplies. (IC 3-7-4-3, as amended by SECTION 36, HEA 1708. Effective July 1, 1993.)


### **CAMPAIGN FINANCE**

 1. A candidate must state on the declaration of candidacy form if the candidate has filed all annual campaign finance reports from any previous campaigns. (IC 3-8-2-2.5, as amended by HEA 1708, SECTION 57. Effective July 1, 1993.)


 2. The State Election Board (or a county election board) may, after an administrative hearing, impose a fine on candidates who fail to file the annual campaign finance report after the board notifies the candidate of the delinquency. The board may impose a fine of \$10 per day the report is late, for a maximum fine of \$100. Fines are deposited in a newly created campaign finance enforcement account. (IC 3-9-4-16, IC 3-9-4-17, as added by HEA 1708, SECTIONS 89-90. Effective July 1, 1993.)

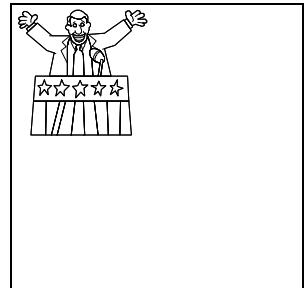
3. If a candidate has been fined by the State Election Board or a county election board for failure to file an annual report, and has not filed the annual report when the candidate runs in a subsequent election, the board may fine the candidate \$1,000. The state auditor or local fiscal officer may withhold money from the elected official's paycheck to collect the fine. (IC 3-9-4-18, as added by HEA 1708, SECTION 91. Effective July 1, 1993.)



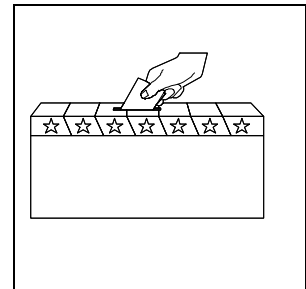
4. A candidate for any local office or school board office (as well as a candidate's committee) cannot use campaign funds for personal purposes. This restriction does not apply to candidates for federal office since the restrictions under federal law apply. (IC 3-9-3-1, IC 3-9-3-4, as amended by HEA 1708, SECTIONS 86-87. Effective July 1, 1993.)
5. If a committee disbands, the committee has the option of returning contributions to contributors on a pro rata basis. (IC 3-9-1-12, as amended by HEA 1708, SECTION 83. Effective July 1, 1993.)
6. When a committee treasurer is removed, the treasurer must file a final report with the circuit court clerk or State Election Board within 30 days (resolving a conflict in former law which provided for a final report within 20 days and 30 days in some cases). (IC 3-9-1-19, as amended by HEA 1708, SECTION 84. Effective July 1, 1993.)
7. Candidates for precinct committeeman or state convention delegate are not subject to campaign finance statutes. (IC 3-9-1-1, as amended by HEA 1708, SECTION 81; IC 3-9-2-1, as amended by HEA 1708, SECTION 85; IC 3-9-4-1, as amended by HEA 1708, SECTION 88. Effective July 1, 1993.)
8. An independent candidate must have a candidate's committee. (IC 3-9-1-4, as amended by HEA 1708, SECTION 82. Effective July 1, 1993.)
9. A person who recklessly commingles campaign funds commits a Class B misdemeanor, punishable by a maximum fine of \$1000 and imprisonment for 6 months. (IC 3-14-1-14.5, as added by HEA 1708, SECTION 231. Effective July 1, 1993.)
-  10. Campaign finance reports are not required to be notarized. (IC 3-9-5-17 repealed by HEA 1708, SECTION 282.)

### CANDIDATES

-  1. All candidates for local office or school board office must have the "Paid for and Authorized by..." disclaimer on all campaign literature. (IC 3-9-3-1, as amended by HEA 1708, SECTION 86. Effective July 1, 1993.)
2. All candidates (including school board candidates) must include a statement on any material soliciting contributions stating that the contributions are not tax deductible. (IC 3-9-2-1, as amended by HEA 1708, SECTION 85. Effective July 1, 1993.)
3. A candidate must state the following additional information on a declaration of candidacy form: (1) the name of the candidate as the candidate wishes for it to appear on the ballot; (2) the mailing address of a candidate, if different from the residence address; (3) whether the candidate has filed all annual campaign finance reports from previous campaigns; (4) that the candidate complies with any requirements for residency and lack of criminal convictions; and (5), if a write-in candidate, any political party affiliation. (IC 3-8-2-2.5, as amended by HEA 1708, SECTION 57; IC 3-8-2-7, as amended by HEA 1708, SECTION 60; IC 3-8-5-10.5, as amended by HEA 1708, SECTION 65; IC 3-8-6-5, as amended by HEA 1708, SECTION 72. Effective July 1, 1993.)
4. A person seeking to fill an "early" candidate vacancy must file a declaration of candidacy with the caucus chairman at least 72 hours before the caucus. (IC 3-13-1-10.5, as added by HEA 1708, SECTION 222. Effective July 1, 1993.)
5. An "early" candidate vacancy caucus must adopt rules of procedure. (IC 3-13-1-11, as amended by HEA 1708, SECTION 223. Effective July 1, 1993.)
6. The chairman of an early candidate vacancy caucus must certify the appointment of a candidate to the Secretary of State or circuit court clerk not more than 3 days after the candidate is selected. (IC 3-13-1-15, as amended by HEA 1708, SECTION 224. Effective July 1, 1993.)
7. The state election board (or a county election board) shall resolve any question concerning the validity of a selection to fill an early candidate vacancy by noon October 1. (IC 3-13-1-16.5, as added by HEA 1708, SECTION 225. Effective July 1, 1993.)
8. A person who was defeated at a primary election, town convention, or state convention, is eligible to fill an early candidate vacancy. A person is considered a member of a party, for purposes of this provision, by voting in the most recent primary of that party, or having a certificate from the county chairman of the party where the person resides. (IC 3-13-1-19, as amended by HEA 1708, SECTION 226. Effective July 1, 1993.)



9. A minor political party must use separate petitions of nomination for statewide office and local office. An "independent candidate" cannot include the name of another independent candidate on a petition of nomination (except for a running mate, such as a Vice-Presidential or Lieutenant Governor candidate). (IC 3-8-6-4, as amended by HEA 1708, SECTION 71. Effective July 1, 1993.)
10. An independent or minor party candidate may withdraw a petition of nomination by noon August 1 (instead of July 15). (IC 3-8-6-13.5, as amended by HEA 1708, SECTION 73. Effective July 1, 1993.)
11. A question concerning the validity of a petition of nomination shall be determined by the State Election Board (or a county election board) no later than noon August 20. (IC 3-8-6-14, as amended by HEA 1708, SECTION 74. Effective July 1, 1993.)
12. An independent candidate who is also nominated by a political party must choose whether to run as an independent or as a party nominee. (IC 3-8-7-21, IC 3-8-7-22, IC 3-8-7-23, as amended by HEA 1708, SECTIONS 76-78. Effective July 1, 1993.)
13. A write-in candidate must file a declaration of intent by noon 74 days before the election (instead of 30 days under former law). (IC 3-8-2-4, as amended by HEA 1708, SECTION 59. Effective July 1, 1993.)
14. A write-in candidate for statewide office must file an economic disclosure statement (IC 4-2-6-8, as amended by HEA 1708, SECTION 237. Effective July 1, 1993.)
15. The Secretary of State must certify to the circuit court clerk any political party affiliation of a write-in candidate (to help implement a federal law on write-in votes). (IC 3-8-7-30, as amended by HEA 1708, SECTION 80. Effective July 1, 1993.)
16. The State Election Board or a county election board must determine any question concerning the validity of a write-in candidate not later than noon 7 days before election day. (IC 3-8-2-14, as amended by HEA 1708, SECTION 62. Effective July 1, 1993.)
17. A write-in candidate may not withdraw after noon 7 days before election day. (IC 3-8-2-2.7, as added by HEA 1708, SECTION 58. Effective July 1, 1993.)
18. The residence time requirements for candidates in IC 3-8-1 refer to the general election, not the primary election. This codifies a recent Indiana court of appeals decision. (IC 3-8-1-1.7, as added by, HEA 1708, SECTION 53. Effective May 12, 1993.)
19. The ban on felons as candidates does not apply to federal offices. (IC 3-8-1-5, as amended by, HEA 1708, SECTION 54. Effective May 12, 1993.)
20. A candidate in a special election held following an election contest must have been on the ballot (or a declared write-in candidate) in the contested election. (IC 3-10-8-9, as added by HEA 1708, SECTION 110. Effective retroactive December 1, 1992.)
21. A candidate for small claims court constable must be a resident of the township (instead of the county). (IC 3-8-1-31, as amended by, HEA 1483, SECTION 1. Effective July 1, 1993)



## **CANVASSING AND RECOUNTS**

1. The "county canvassing board" is abolished, and its duties are transferred to the county election board. (HEA 1708, SECTION 284; IC 3-6-5-9, as amended by HEA 1708, SECTION 12; IC 3-6-5-17 as amended by HEA 1708, SECTION 15; IC 3-6-8-4, IC 3-6-9-6, and IC 3-6-9-7, as amended by HEA 1708, SECTIONS 26-28; IC 3-10-1-33, as amended by HEA 1708, SECTION 94; IC 3-10-6-4, as amended by HEA 1708, SECTION 101; IC 3-11-14-31, as amended by HEA 1708, SECTION 175; IC 3-12-2, IC 3-12-3, IC 3-12-2.5, IC 3-12-4, as amended by HEA 1708, SECTIONS 179, 181-207; IC 3-12-6, as amended by HEA 1708, SECTIONS 215-217; IC 3-12-11, as amended by HEA 1708, SECTIONS 219-221; IC 36-5-1.1-10.6, as amended by HEA 1708, SECTION 270. IC 3-12-4-2, as repealed by HEA 1708, SECTION 282. Effective July 1, 1993.)
2. A vote for an independent candidate will be counted only for the independent candidate (and a running mate for Vice-President or Lieutenant Governor) and not for any other independent candidate on the ballot. (IC 3-11-2-9, IC 3-11-2-10, as amended by HEA 1708, SECTIONS 116-117; IC 3-11-11-10, as amended by HEA 1708, SECTION 159. IC 3-11-12-29, as amended by HEA 1708, SECTION 163. IC 3-11-13-14, as amended by HEA 1708, SECTION 166. IC 3-11-13-31.7, as amended by HEA 1708, SECTION 170; IC 3-11-14-23, as amended by HEA 1708, SECTION 174. Effective July 1, 1993.)
3. The special early absentee ballot for military voters stationed overseas and other overseas votes is not counted if the regular absentee ballot from the voter was received in time or submitted from within the United States. (IC 3-12-2-7, as amended by HEA 1708,

SECTION 180. Effective July 1, 1993.

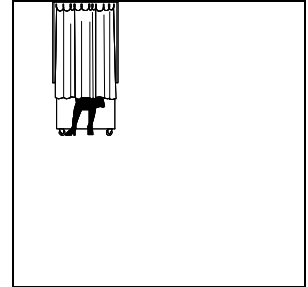


4. A write-in vote for a candidate on the ballot, such as "George Bush" or "Bill Clinton" is to be counted if voter intent can be determined. A write-in vote can be cast by lead pencil. (IC 3-12-1-1.7, as amended by HEA 1708, SECTION 177. Effective July 1, 1993.)

5. When voting for "at large" members of a legislative body (such as a county or city council), if a vote is cast for a straight ticket (Party A) AND for ALL council candidates of Party B (not just SOME candidates of Party B under current law), then the individual candidate votes for Party B are counted. (IC 3-11-7-8, as amended by HEA 1708, SECTION 134; IC 3-12-1-7, as amended by HEA 1708, SECTION 178. Effective July 1, 1993.)



6. The canvassing of votes by the county election board must be performed in public in accordance with the Open Door Law in a room that contains adequate space for members of the public to witness the canvassing of votes. The county election board may restrict access to parts of the room where election material is being handled to safeguard the material. (IC 3-12-4-6, as amended by HEA 1708, SECTION 191. Effective July 1, 1993.)



7. The Indiana House and Senate meet in joint convention to hear the canvass of votes for Governor and Lieutenant Governor, and resolve any tie votes or contests involving elections to those offices. (IC 3-12-5-5, as amended by HEA 1708, SECTION 209. Effective July 1, 1993.)

8. The Governor is not required to present when the Secretary of State canvasses the votes for presidential electors, state offices, circuit court judge, and prosecuting attorney. (IC 3-12-5-7, as amended by HEA 1708, SECTION 211. Effective July 1, 1993.)



9. A local recount commission may petition a court for a ruling on issues before the commission. (IC 3-12-6-21, as amended by HEA 1708, SECTION 213. Effective May 12, 1993.)

10. An appeal from the determination of a local recount commission is limited to questions of law arising out of the recount; and procedural defects that affected the outcome of the recount. (IC 3-12-6-21, as amended by HEA 1708, SECTION 214. Effective May 12, 1993.)

11. The state recount commission must complete a state legislative recount by December 20 after the election. (IC 3-12-11-21, as amended by HEA 1708, SECTION 218.)

### **ELECTION ADMINISTRATION**



1. If a local election office is closed on an election filing deadline day, then the deadline falls on the next day that the office is open for business. (IC 3-5-4-1.5, as added by SECTION 5, HEA 1708. Effective July 1, 1993.)

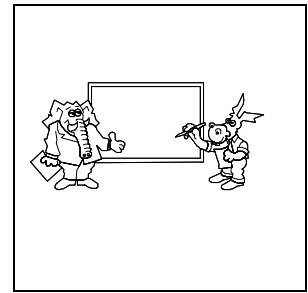
2. County election board members must attend an annual conference conducted by the state election board (not only in primary election years under former law). (IC 3-6-4-15, as amended by HEA 1708, SECTION 10. Effective May 12, 1993.)

3. A county election board must submit post-election reports to the state election board within 14 days after primary and special elections (as well as after general elections under former law). (IC 3-6-5-17, as amended by HEA 1708, SECTION 15. Effective July 1, 1993.)

4. The circuit court clerk is no longer required to certify to that State Election Board the number of absentee ballots required by the county. (IC 3-11-4-11, repealed by HEA 1708, SECTION 282. Effective July 1, 1993.)


5. The legal notice published before a general election must include the text of any judicial retention question or other public question on the ballot. (IC 3-10-2-2, as amended by HEA 1708, SECTION 94. Effective July 1, 1993.)

6. A circuit court clerk must submit election results to the Secretary of State by noon, the Monday after election day. The results may be hand delivered. (Former law provided for delivery of primary results by the Tuesday after election day; for general election results for local offices to be delivered 5 days after counting; for results in a governor's election on the day following the counting; for federal, state, and legislative results on the day following the return day of an election; for legislative results on the second Friday after the election. (IC 3-10-1-33, as amended by HEA 1708, SECTION 94. IC 3-12-5-1, IC 3-12-5-5, IC 3-12-5-6, as amended by HEA 1708, SECTIONS 208-210. IC 3-12-5-11, as amended by HEA 1708, SECTION 212. Effective July 1, 1993.)



7. An ordinance to redistrict county commissioner, county council, city council, or town council districts must be filed with the circuit court clerk. (IC 36-2-2-4.7, IC 36-2-3-4.7, as added by HEA 1708, SECTIONS 257 and 259; IC 36-4-6-3, IC 36-4-6-4, IC 36-4-6-5, as amended by HEA 1708, SECTIONS 265-267. IC 36-5-2-4.1, as amended by HEA 1708, SECTION 273. Effective July 1, 1993.)

8. A county election board may, after a public hearing, recommend that the county commissioners (or the Mayor of Indianapolis) dissolve a small town in the county if the town has not elected town officers or conducted town business of any sort for 10 years. The commissioners or the mayor can then dissolve the town. (IC 36-5-1-20, IC 36-5-1.1-12, as added by HEA 1708, SECTIONS 269 and 271. Effective July 1, 1993.)

 9. A county election board may, by unanimous vote, resolve that some or all election duties performed by the clerk may instead be performed by a county election board employee. This resolution expires two months after the incumbent clerk leaves office. (IC 3-6-5-14.5, as added by HEA 1708, SECTION 14. Effective July 1, 1993.)

10. The Lake County election board and registration board are now a "combined" election board with five members. (IC 3-6-5-1, as amended by HEA 1708, SECTION 11; IC 3-6-5.2, as added by SECTION 16, HEA 1708; IC 3-7-2-1 and IC 3-7-2-2, as amended by HEA 1708, SECTIONS 32 and 33. Effective July 1, 1993.)

11. In Lake County and Marion County, the salary of the chief clerks of the board of registration is fixed by the county fiscal body (instead of by state law). (IC 3-7-2-20, as amended by HEA 1196, SECTION 2. Effective July 1, 1993)

12. The state election board may, by unanimous vote adopt rules to implement last minute court orders. (IC 3-6-4-12.5, as added by HEA 1708, SECTION 8; IC 4-22-2-37.1, as amended by HEA 1708, SECTION 239. Effective July 1, 1993.)

13. The state election board may, by unanimous vote, temporarily extend a deadline for a person to file a document or comply with an election law duty due to a natural disaster. (IC 3-6-4-12.7, as added by HEA 1708, SECTION 9. Effective July 1, 1993.)

14. The state election board may agree to have an outside entity perform the required deletion of certain information from the statewide voter file before the file is sold to entities other than political parties, statewide independent candidates, or the media. (IC 3-7-7.5-6, as amended by SECTION 43, HEA 1708. Effective retroactive to January 1, 1993.)

## **MUNICIPAL ELECTIONS**

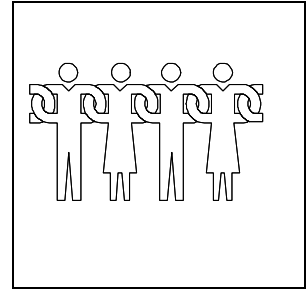
1. In a small town located outside of Marion County, a town convention of a major political party to nominate candidates for town office may NOT be held if there is no contest for that party's nomination to any town office. If there is a contested nomination for one or more offices, the town convention may only meet to choose nominees for the contested offices. The provisions permitting nominations from the floor at town conventions are repealed. For all nominations to town office that are not contested, the nominee is automatically placed on the ballot by the circuit court clerk after the deadline for filing a declaration of candidacy. (IC 3-8-5-2, IC 3-8-5-10, IC 3-8-5-10.5, IC 3-8-5-12 as amended by HEA 1708, SECTIONS 63-66. IC 3-8-5-1.3, as added by HEA 1708, SECTION 69. Effective July 1, 1993.)

2. In a small town located outside of Marion County, the last date that a declaration of candidacy for a major party nomination may be filed is noon September 1 (instead of noon the day before the convention). (IC 3-8-5-10.5, as amended by HEA 1708, SECTION 65. Effective July 1, 1993.)


3. In a small town located outside of Marion County, the last date that a town convention may be held is September 14

(instead of the last Saturday in July). (IC 3-8-5-10, as amended by HEA 1708, SECTION 64. Effective July 1, 1993.)


4. In a small town located outside of Marion County, the last date for the circuit court clerk to receive a certificate listing the nominees of a town convention is September 21 (instead of August 1). The circuit court clerk must file a copy of each major party's convention nominees with the town clerk-treasurer by September 30 (instead of August 8). (IC 3-8-5-12, as amended by HEA 1708, SECTION 67. Effective July 1, 1993.)



5. If an error is discovered in the certification of town candidates before October 8 (instead of 60 days before the election under former law), the error must be corrected. (IC 3-8-7-3, as amended by HEA 1708, SECTION 75. Effective July 1, 1993.)

 6. In a small town with a population of less than 500 that is located outside of Marion County, the county election board will automatically conduct the small town election unless the town council adopts a resolution during the municipal election year to establish a town election board to run the town election. The town must adopt the resolution between January 1 and April 1 of the town election year. The resolution must be filed with the circuit court clerk by May 1, and expires at the end of the municipal election year. (IC 3-10-7-2 and IC 3-10-7-7 as amended by HEA 1708, SECTIONS 102 and 104; IC 3-10-7-5.5, as added by HEA 1708, SECTION 103. Effective July 1, 1993.)

7. A town election board can eliminate polling place sheriffs in town elections, and have their duties performed by the polling place judges, in all town precincts with less than 250 voters. (IC 3-10-7-25 and IC 3-10-7-27, as amended by HEA 1708, SECTIONS 105-106. Effective July 1, 1993.)

 8. A city or town ordinance establishing new city or town council districts must be filed with the circuit court clerk. (IC 36-4-2-12 and IC 36-5-2-4.1, as amended by HEA 1708, SECTION 261 and 273. Effective July 1, 1993.)

9. If a small town has abolished town council districts, a town annexation ordinance is not required to assign the new territory to a town council district. (IC 36-4-3-3, as amended by HEA 1708, SECTION 262, effective retroactive May 12, 1991. IC 36-4-3-4.5, as added by HEA 1708, SECTION 263; IC 36-4-3-5, as amended by HEA 1708, SECTION 264. Effective July 1, 1993.)

10. A city or town council district can include non-contiguous territory if the territory is not contiguous to any other part of the city or town. (IC 36-4-6-3, IC 36-4-6-4, IC 36-4-6-5, IC 36-5-1-10.1, as amended by HEA 1708, SECTIONS 265-268. Effective July 1, 1993.)


11. A city or town council line can split a census block if the city council or town council certifies that the block is uninhabited and will probably always be uninhabited. (IC 36-4-6-3, IC 36-4-6-4, IC 36-4-6-5, IC 36-5-1-10.1, IC 36-5-2-4.1, as amended by HEA 1708, SECTIONS 265-268, and 273. Effective July 1, 1993.)

12. If a small town has abolished town council districts in the middle of a council member's term, and the council member then leaves office before the end of that term, the person chosen to succeed the council member is not required to be a resident of the now abolished council district, only a resident of the town. (IC 3-8-1-5.7, as amended by HEA 1708, SECTION 55. Effective May 12, 1993.)

13. In Lake County and Marion County, the salary of the chief clerks of the board of registration may not be charged to a municipality). (IC 3-5-3-1, as amended by HEA 1196, SECTION 1. Effective July 1, 1993)

14. The county canvassing (now election) board is no longer required to notify a person of their election to a city or town office. (IC 3-12-5-17, repealed by HEA 1708, SECTION 282. Effective July 1, 1993.)

## **OFFICEHOLDERS**

 1. If a person dies who held a local office and was also a precinct committeeman, that precinct is represented by the vice-committeeman in the caucus to fill the office vacancy. (IC 3-13-11-5, as amended by HEA 1708, SECTION 227.)

2. When an election district changes after election and before the vacancy, the committeemen for the former district are eligible to vote in the caucus to fill an office vacancy. (IC 3-13-11-5, as amended by HEA 1708, SECTION 227. Effective July 1, 1993.)

3. After a vacancy occurs in a local office and before the precinct committeeman caucus fills the vacancy in the office, the county commissioners, mayor, town council president, or township board chairman shall appoint a person to act in the office if the chief deputy employee declines or is ineligible to serve. (IC 3-13-11-13, IC 3-13-11-16, IC 3-13-11-17, as amended by HEA 1708, SECTIONS 228-

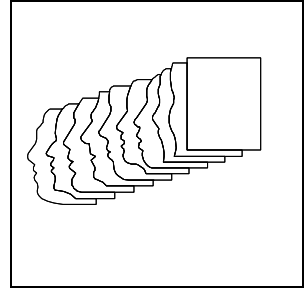


230. Effective July 1, 1993.)

4. A city, town, or township officer must file a written notice of resignation with the city council, town council, or township board, in addition to filing with the circuit court clerk. (IC 5-8-3.5-1, as amended by HEA 1708, SECTION 246. Effective July 1, 1993.)

5. The statutes governing impeachment are clarified in several cases to specify which elected officials are subject to impeachment. (IC 5-8-1, as amended by HEA 1708, SECTIONS 241-243. IC 5-8-1-20, repealed by HEA 1708, SECTION 282. Effective July 1, 1993.)

6. The procedure in IC 34-1-59 for removal by information must be used in removing an elected official from office. (IC 5-8-2, IC 5-8-3, IC 5-11-13-3, as amended by HEA 1708, SECTIONS 244, 245, and 247. Effective July 1, 1993.)



7. A prosecuting attorney may bring an information proceeding to remove an official from office, even if a vacancy would result. A court may hold records and funds of a removed officer until any vacancy is filled. (IC 34-1-59-4, IC 34-1-59-7, as amended by HEA 1708, SECTIONS 252-253. Effective July 1, 1993.)

8. If the number of town council members is increased by referendum, the newly created council seats are filled by appointment by the existing town council until the next municipal election. (IC 36-5-2-4.2, as amended by HEA 1708, SECTION 274. Effective retroactive July 1, 1992.)

9. If the number of town council members is increased by referendum, the new council members serve until the next regular municipal election, even if the terms are less than 4 years. (IC 36-5-2-3, as amended by HEA 1708, SECTION 272. Effective retroactive to January 1, 1993.)

10. If a town is newly incorporated, the town council members and clerk-treasurer serve until the next municipal election cycle, even if the term is less than 4 years. (IC 36-5-2-3; 36-5-6-3, as amended by HEA 1708, SECTIONS 273 and 277. Effective July 1, 1993.)



11. A town council member who is elected or appointed to represent a district, but is voted on by the entire town (comparable to the county commissioner election system in most counties) must continue to reside in the district for the remainder of the term or forfeits the office. Applies only to councilmembers elected or appointed after July 1, 1993. (IC 36-5-2-6, as amended by HEA 1708, SECTIONS 275 and 283. Effective July 1, 1993.)

### **POLITICAL PARTIES**

1. A precinct committeeman may replace a precinct vice committeeman with the written and signed approval of the county chairman, and after giving ten days signed and written notice to the county chairman. (IC 3-6-2-3, as amended by HEA 1066, SECTION 1. Effective July 1, 1993)

2. A precinct vice committeeman appointed to replace a vice committeeman removed with the approval of a county chairman may not vote in a county committee reorganization unless the vice committeeman has served since at least the previous December 31, and is on the county committee list filed with the circuit court clerk. (IC 3-6-1-11.5, as amended by HEA 1066, SECTION 2. Effective July 1, 1993)

3. Independent candidates for statewide office are entitled to conduct polls in residential facilities, subject to the same restrictions as political party poll takers. IC 3-5-2-26.6, as added by SECTION 4, HEA 1708; IC 3-6-11-5 and IC 3-6-11-7, as amended by HEA 1708, SECTIONS 30-31. Effective July 1, 1993.)

4. A political party is no longer required to adopt a "loyalty" plank in its platform to be eligible for placement on the ballot. (IC 3-5-4-5, repealed by HEA 1708, SECTION 282. Effective July 1, 1993.)

5. A political party may change its name in accordance with its own rules, and is not required to conduct a special convention. (IC 3-6-3, as amended by HEA 1708, SECTIONS 6 and 282. Effective July 1, 1993.)

### **POLLING PLACES AND PRECINCT WORKERS**

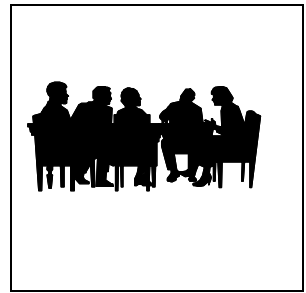


1. If a precinct does not have an accessible polling place for disabled voters, the polling place may be located outside of the precinct and within the same township at an accessible place. (IC 3-11-8-3, as amended by HEA 1708, SECTION 144. Effective July 1, 1993.)

2. The county election board may, by unanimous vote, order the relocation of a polling place during the final two days before the election if the polling place would be dangerous or impossible to use. (IC 3-11-8-3.2, as amended by HEA 1708, SECTION 145. Effective July 1, 1993.)



3. A county election board may adopt a resolution to have election day judges perform the duties of election day sheriffs in precincts with less than 250 voters. (IC 3-6-6-5, as amended by HEA 1708, SECTIONS 17, 19. Effective July 1, 1993.)





4. If a precinct inspector does not complete and return the Polling Place Accessibility Survey Form required by federal law, the inspector may not be paid. (IC 3-6-6-23, 3-6-6-25, and 3-6-6-26, as amended by HEA 1708, SECTIONS 20-22. Effective July 1, 1993.)

5. Except in ballot card counties with central tabulation, a circuit court clerk must provide a list of declared write-in candidates to inspectors along with instructions for counting write-in votes. (IC 3-8-7-30, as amended by HEA 1708, SECTION 80. Effective July 1, 1993.)

6. The precinct poll clerks must use ink pens to write their initials on the back of paper ballots. However, precinct poll clerks are not required to write their initials on the backs of absentee punch card ballots. (IC 3-11-11-4 and IC 3-11-11-6, as amended by HEA 1708, SECTIONS 157-158; IC 3-11-13-28, as amended by HEA 1708, SECTION 168.)

7. A county election board may authorize a simulated election for children to be conducted at the polling place at the same time as the election. The inspector must ensure that the simulated election ("Kids Voting") does not interfere with election activity in the polling place. (IC 3-11-8-15, as amended by HEA 1708, SECTION 146. Effective May 12, 1993.)

8. The spouse of a first cousin of a candidate is eligible to serve on a precinct board or absentee board. (IC 3-6-6-7, as amended by HEA 1708, SECTION 18; IC 3-11-10-36, as amended by HEA 1708, SECTION 154. Effective July 1, 1993.)

9. All "bona fide" political parties and independent candidates are entitled to challengers and pollbook holders. (IC 3-5-2-5.5, as added by SECTION 3, HEA 1708; IC 3-5-2-26.6, as added by SECTION 4, HEA 1708; IC 3-6-7-1, as amended by HEA 1708, SECTION 23; IC 3-11-8-16, as amended by HEA 1708, SECTION 147. Effective July 1, 1993.)

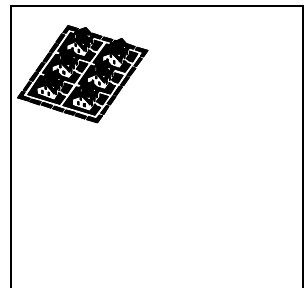
10. All "bona fide" political parties and independent candidates for statewide office are entitled to party watchers. (IC 3-5-2-5.5, as added by SECTION 3, HEA 1708; IC 3-5-2-26.6, as added by SECTION 4, HEA 1708; IC 3-6-8-1, as amended by HEA 1708, SECTION 23; IC 3-6-8-3, as amended by HEA 1708, SECTION 25. Effective July 1, 1993.)

11. All "bona fide" political parties and independent candidates for statewide office are entitled to receive the list of media watchers. (IC 3-5-2-5.5, as added by HEA 1708, SECTION 3; IC 3-5-2-26.6, as added by, HEA 1708, SECTION 4; IC 3-6-10-3, as amended by HEA 1708, SECTION 29. Effective July 1, 1993.)

## **PRECINCTS**



1. A precinct that was established in compliance with the "800 voter" requirement and has since increased to contain no more than 1,000 voters, has a forty-eight month grace period (instead of the 24 month grace period under former law) before the precinct's boundaries must be redrawn to comply with the 800 voter requirement. (IC 3-11-1.5-3, as amended by SEA 434, SECTION 1. Effective July 1, 1993)



2. The county commissioners (or Mayor of Indianapolis) may adopt an order to delegate some or all responsibility for redrawing precinct lines to the county election board. The order takes effect when filed with the state election board. (IC 3-11-1.5-36, as added by HEA 1708, SECTION 114. Effective July 1, 1993.)



3. A precinct may follow a school corporation line that does not follow a census block line. (IC 3-11-1.5-5, as amended by HEA 1708, SECTION 111. Effective retroactive January 1, 1993.)

4. A proposed precinct boundary change must include a statement concerning polling places accessible for disabled voters within the proposed precinct. (IC 3-11-1.5-15, as amended by HEA 1708, SECTION 112. Effective July 1, 1993.)

5. The state law governing county precinct study committees is repealed. (IC 3-11-1.5-13, repealed by HEA 1708, SECTION 282. Effective July 1, 1993.)


## **REGISTRATION**



1. Indiana court decisions regarding residency are codified by stating the basic requirements of intent and conduct taken to implement intent to establish residence in a precinct. (IC 3-7-1-2.2, as added by HEA 1722, SECTION 3. Effective July 1,

1993.)


2. A person does not have residency in more than one precinct. A person cannot establish residence in a new precinct without intending to abandon the old precinct. (IC 3-7-1-2.2, IC 3-7-1-2.4, as added by HEA 1722, SECTION 4. Effective July 1, 1993.)


 3. The residency statutes addressing specific types of voters ("The residence of an unmarried person is where the person usually sleeps."), can be overridden by showing voter intent and conduct, with the statutes serving as presumptions that the voter must overcome to establish residency elsewhere. (IC 3-7-1-2.6, as added by HEA 1722, SECTION 5; IC 3-7-1-11, repealed by HEA 1722, SECTION 24. Effective July 1, 1993.)

4. A person can register at a substation (as well as a principal office) of a circuit court clerk or board of registration through the end of the registration period. (IC 3-7-3-5, as amended by HEA 1722, SECTION 6. Effective May 12, 1993.)


5. The noon deadline for filings does not apply to the final day of registration in the clerk or board's office. (IC 3-7-3-5, as amended by HEA 1722, SECTION 6. Effective May 12, 1993.)

6. Except in some special cases, a registration form received after the end of a registration period is to be processed on the first day that registration reopens. (IC 3-7-3-5, as amended by HEA 1722, SECTION 6. Effective May 12, 1993.)

 7. If a voter was registered by a deputy registrar, and the deputy registrar did not submit the registration before the end of the registration period (or if the registrar lost the form), the voter may request a hearing before the county election board before the "ten day run" is prepared. If the voter can establish and the election board unanimously agrees that the voter was properly registered during the registration period, then the voter's name is added to the registration list and ten day run. (IC 3-7-3-5.5, as added by HEA 1722, SECTION 7. Effective July 1, 1993.)

 8. The registration form must include a space for both the residence address and mailing address of the voter. If a registration receipt is mailed, the receipt must be sent to the mailing address. The State Election Board may prescribe more than one form for all the registration transactions to be performed on. (IC 3-7-3-9, as amended by HEA 1722, SECTION 8. Effective July 1, 1993.)

9. If a registration form does not contain required information by the registrar, the circuit court clerk or board of registration must attempt to contact the registrar to obtain the information. The registration form must be processed, but if the registrar does not supply the information, the clerk or board must then certify still incomplete forms to the county election board. The county election board must give notice to the registrar to supply the missing information within 30 days. (IC 3-7-3-12.5, as amended by HEA 1722, SECTION 9. Effective July 1, 1993.)

 10. If a voter registers in the wrong county, and the clerk or board sends the form to the correct county, any registration form that is compatible with the correct county's system must be processed, even if the correct county receives the form after the close of the registration period and before the "ten day run" list of voters is prepared for the inspectors. (IC 3-7-3-12.7, as added by HEA 1708, SECTION 10. Effective July 1, 1993.)

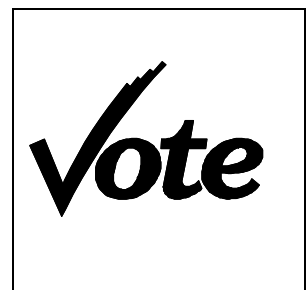
11. The absentee registration law, accidentally repealed in 1992, was reenacted. (IC 3-7-5.1, as added by HEA 1151, SECTION 5. Effective retroactive to July 1, 1992)

12. A person caring for a confined voter in a private residence can register absentee. (IC 3-7-5.1-3, as amended by HEA 1722, SECTION 12. Effective July 1, 1993.)

13. For the purposes of absentee registration, the circuit court clerk or board of registration member is considered the registrar. (IC 3-7-5.1-4, as amended by HEA 1722, SECTION 13. Effective July 1, 1993.)

14. A person can make a mark on the absentee registration form for a disabled voter who cannot sign the form. The mark must be made in the presence of the voter. (IC 3-7-5.1-6, as amended by HEA 1722, SECTION 14. Effective July 1, 1993.)

15. An absentee registration form can be hand delivered (as well as mailed) by the clerk or board. (IC 3-7-5.1-7, as amended by HEA 1722, SECTION 15. Effective July 1, 1993.)





16. If an absentee registration form is received from a military voter or an overseas voter after the end of the registration period, but before the "ten day run" list of voters is processed for the inspectors, the registration must be processed. (IC 3-7-5.1-12, as amended by HEA 1722, SECTION 17. Effective July 1, 1993.)



17. The reinstatement of the registration of an honorably discharged veteran whose registration was purged during the veteran's absence may be made until the "ten day run" is processed. (IC 3-7-9-7, as amended by HEA 1722, SECTION 19. Effective July 1, 1993.)

18. High school students must be at least 17 years old when registered. (IC 3-7-3-26, as amended by HEA 1708, SECTION 34. Effective July 1, 1993.)

19. Registrations from 17 year olds must include a notation so that the 17 year old is not included on a poll list or called for jury service before the voter is 18 years old. (IC 3-7-3-27, as added by HEA 1708, SECTION 35. Effective July 1, 1993.)

20. The "48 month purge" deadline is clarified to refer to the first day of the month as the starting date for counting back for the purge. (As a result, voters who have not voted since May 1988, for example, may be purged in 1993, regardless of whether there are exactly forty-eight months between November 8, 1992 and May 2, 1988.) (IC 3-7-9-1, as amended by HEA 1722, SECTION 18. Effective May 12, 1993.)

21. Written (not verbal) authorization is required to cancel registration. The return of unrelated mail, such as jury notices, cannot be used to cancel registrations. (IC 3-7-9-12, as amended by HEA 1722, SECTION 20. Effective July 1, 1993.)



22. When a registration receipt mailed to a new voter is returned by the Postal Service, but there is no indication that the voter has moved or that the address is incorrect, (perhaps due to the use of post office boxes in small towns that do not have residential mail delivery, or for no obvious explanation at all), the board of registration must process these returned forms. The board of registration shall notify the county election board when this occurs, so that parties may be prepared to challenge a voter at a precinct if there is evidence that the voter is not a resident. (HEA 1708, SECTION 285; HEA 1722, SECTION 23. Effective retroactive July 1, 1992, expires January 1, 1994.)

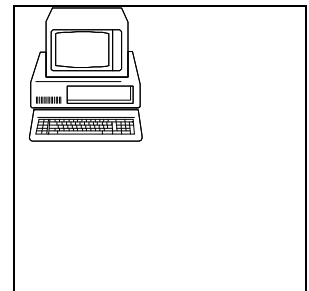
23. If a voter files a request for transfer after a challenge based on the voter's residence, the transfer must be processed and the challenge disregarded. (IC 3-7-9-14, as amended by HEA 1722, SECTION 21. Effective July 1, 1993.)

24. After election day, the circuit court clerk or board of registration may unseal precinct envelopes solely to update registration records to reflect based on changes made on the poll list by voters (an address change, for example). The poll lists must then be replaced and envelopes resealed. (IC 3-10-1-31, as amended by HEA 1708, SECTION 93. Effective July 1, 1993.)

25. The State Election Board is required to adopt rules prescribing the format for the storage and submission of computerized voter registration records to ensure that the records are standardized and readable. (IC 3-6-4-12, as amended by HEA 1708, SECTION 7; IC 3-7-7.5-5, as amended by HEA 1708, SECTION 42. HEA 1708, SECTION 286. Effective July 1, 1993.)



26. The circuit court clerk or board of registration must submit computerized voter file information in a format that includes both physical address and mailing address if the Post Office will not deliver mail to the physical address. Other changes are required in the data fields and formatting of the file. (IC 3-7-7.5-5, as amended by HEA 1708, SECTION 41. Effective July 1, 1993.)




27. A circuit court clerk or registration board member shall "make every effort" to obtain additional information concerning voter registrations in effect on July 1, 1993 if the information is required for the statewide voter file submission. For example, this may require adding physical addresses in towns without residential mail delivery. IC 3-7-7.5-12, as added by HEA 1708, SECTION 45. Effective July 1, 1993.)

28. Any county official responsible for maintaining computerized voter registration records (in addition to the clerk or registration board member under former law) who fails to comply with the requirement to furnish computerized voter registration records to the State Election Board commits a Class B infraction. (IC 3-7-7.5-10, as amended by HEA 1708, SECTION 44. Effective July 1, 1993.)

29. A circuit court clerk, registration board member, or other local official responsible for computerized voter records who recklessly fails to comply with the statewide voter file requirements commits a Class B misdemeanor, punishable by a maximum fine of \$1000 and imprisonment for 6 months. (IC 3-14-4-3.5, as added by HEA 1708, SECTION 234. Effective July 1, 1993.)

30. The law concerning the statewide voter file will not expire July 1, 1995. (IC 3-7-7.5-11, repealed by HEA 1708, SECTION 282. Effective July 1, 1993.)


 31. In counties with computerized registration, the clerk or board the clerk or board shall submit a list of registered voters to the United States Postal Service during June (instead of "one time each calendar year". The clerk or board must request that a voter with a temporary forwarding order, an absent uniformed services voter, or an overseas voter not be included in the list of nonresident voters prepared by the USPS. If the Postal Service indicates that a voter is deceased, or has moved, the name of the voter may be removed by using the vote purge procedure (instead of the challenge affidavit under former law). (IC 3-7-8-20, IC 3-7-9-1, IC 3-7-9-2, as amended by HEA 1708, SECTIONS 46-48. Effective July 1, 1993.)

32. "Bona fide" political parties and independent candidates for statewide office (or in some cases, with any candidate on the general election ballot) are entitled to the same registration information as major political parties. (IC 3-5-2-5.5, IC 3-5-2-26.6, as added by SECTIONS 3-4, HEA 1708; IC 3-7-7-2, IC 3-7-7-3, IC 3-7-7-4,; and IC 3-7-7-10, as amended by HEA 1708, SECTIONS 37-40; IC 3-7-9-2, IC 3-7-9-8, IC 3-7-9-10, IC 3-7-9-11, and IC 3-7-9-21, as amended by SECTIONS 48-52, HEA 1708. Effective July 1, 1993; IC 3-7-7.5-6, as amended by SECTION 43, HEA 1708. Effective retroactive to January 1, 1993.)

33. If a special election is held during a registration period, new registrations must be separated from registrations of voters who have met the 30 day residency requirement. (IC 3-10-8-9, as added by HEA 1708, SECTION 110. Effective retroactive December 1, 1992.)

### **SPECIAL ELECTIONS, SCHOOL BOARD ELECTIONS, AND REFERENDA**

1. If a special election is held in a precinct, alcoholic beverages may not be sold in the precinct on special election day. (IC 3-10-8-9, as added by HEA 1708, SECTION 110. Effective retroactive December 1, 1992.)

 2. In a special election on a public question, or following a contested school board election, the county election board may, by unanimous vote, combine polling places and have precinct boards consisting of only one inspector, one judge, one sheriff, and one poll clerk. (IC 3-10-8-6, as amended by HEA 1708, SECTION 108. Effective retroactive December 1, 1992.)

3. A special sewer, water, or sanitary district election may be conducted in accordance with election law generally (not just town election law). (IC 3-12-2-5, as amended by HEA 1708, SECTION 248. Effective July 1, 1993.)

4. In school board elections conducted in more than one county, the circuit court clerk of the county with the greatest population shall certify the names of candidates to be placed on the school board ballots in the other counties within the school district. Each county election board must print the appropriate school board ballots for use in the county. (IC 20-4-1-26.4, as amended by HEA 1708, SECTION 249. Effective July 1, 1993.)

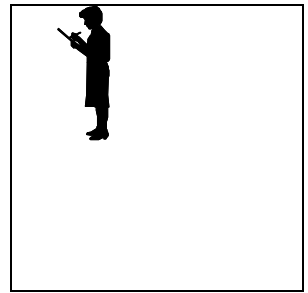
5. If a referendum on changing the school board organization will be conducted in more than one county, the county election board of the county having the greatest population in the school district sets the date of any special election. (IC 20-4-10.1-10, as amended by HEA 1708, SECTION 250. Effective July 1, 1993.)

6. A referendum regarding the extension of municipal park services may be held at the same time as a regularly scheduled election. (IC 36-10-3-35, as amended by HEA 1708, SECTION 280. Effective retroactive July 1, 1992.)

### **VOTING SYSTEMS**

1. If a ballot card voting system or electronic voting system no longer meets state standards, and the state election board has rescinded the system's approval, the State Election Board may, by unanimous vote, prohibit the system from being leased, marketed, or sold in Indiana for use in elections. (IC 3-11-7-17, as amended by HEA 1708, SECTION 139; IC 3-11-7.5-26, as amended by HEA 1708, SECTION 142. Effective July 1, 1993.)

2. The State Election Board may, by unanimous vote, order ballot card or electronic voting systems approved before the current state standards were established in 1992 to be tested by an independent testing authority at the expense of the vendor, and if not in compliance with standards, no longer be marketed or sold in Indiana. (IC 3-11-7-17, as amended by HEA 1708, SECTION 139; IC 3-11-7.5-26, as amended by HEA 1708, SECTION 142. Effective July 1, 1993.)



3. If the State Election Board recommends discontinuing use of a ballot card or electronic voting system, or the independent testing authority determines that a voting system does not meet current standards, the system can still be used in a county until or unless a circuit court clerk or the county election board files a request for the state election board to investigate the system, and the state election board finds, by unanimous vote and based on evidence of the system's use by the county, that the system has "a clear pattern" of errors AND its continued use would undermine public confidence. (IC 3-11-7-17, as amended by HEA 1708, SECTION 139; IC 3-11-7.5-26, as amended by HEA 1708, SECTION 142. Effective July 1, 1993.)



4. The state election board approval of a ballot card or electronic voting system is valid for 5 years. At that time, the license for the system may be renewed after a public hearing. The circuit court clerks of all counties using the system must receive notice of the hearing, and will have the opportunity to make comments regarding the system's renewal application. The State Election Board may, by unanimous vote, order testing of the system. The State Election Board may renew the application after finding that the system complies with standards, has worked effectively, and has been adequately supported. (IC 3-11-7-19, as added by HEA 1708, SECTION 140; IC 3-11-7.5-28, as added by HEA 1708, SECTION 143. Effective July 1, 1993.)

5. Ballot card and electronic voting systems approved by the State Election Board before April 23, 1992 will have their approvals expire by July 1, 1996. The vendors may then apply to have the systems reapproved. (HEA 1708, SECTION 288. Effective July 1, 1993.)



6. A county election board may conduct a demonstration of a lever voting machine, a ballot card voting system, or an electronic voting system at any time (instead of just shortly before election day.) (IC 3-11-12-16, as amended by HEA 1708, SECTION 161; IC 3-11-13-26.5, as amended by HEA 1708, SECTION 167; IC 3-11-14-8, as amended by HEA 1708, SECTION 172. Effective July 1, 1993.)

7. Lever voting machines must be locked for 60 days (instead of 120 days) after the election. The machines can be unlocked before 60 days if requested by the Indiana voting system advisory committee. (IC 3-11-12-35, as amended by HEA 1708, SECTION 164. Effective July 1, 1993.)

8. Ballot card voting systems and electronic voting systems must count ballots in accordance with the rules for counting split tickets and write-in votes under IC 3-12-1. (IC 3-11-7, as amended by HEA 1708, SECTIONS 132-137; IC 3-11-7-11.5, as added by HEA 1708, SECTION 138; IC 3-11-7.5-10, as amended by HEA 1708, SECTION 141. Effective July 1, 1993.)

9. A write-in vote cast on a punch card secrecy envelope makes the envelope a ballot for election law purposes. (IC 3-11-13-28.7, as amended by HEA 1708, SECTION 169. Effective July 1, 1993.)

10. The State Election Board is no longer required to file a report of voting examinations with the Secretary of State. (IC 3-11-5-3, as added by HEA 1708, SECTION 129. Effective July 1, 1993.)

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### WHAT DID NOT PASS IN 1993:

1. Indiana version of "motor voter", mail-in or agency registration.
2. Indiana version of "same day" registration.
3. Prohibiting the mailing of absentee ballots within the county.
4. Changing the date of the municipal primary or general election.
5. Permitting felons to serve in elected offices at some time after their incarceration.
6. Numerous campaign finance proposals, including restrictions on various types of corporate or political action committee contributions.

