



March 31, 2015

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# ENGROSSED HOUSE BILL No. 1008

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DIGEST OF HB 1008 (Updated March 30, 2015 10:59 am - DI 102)

**Citations Affected:** IC 3-8; IC 3-10; IC 3-11; IC 3-12; IC 3-13.

**Synopsis:** Various election law matters. Provides that a candidate vacancy due to the withdrawal of a candidate that occurs after noon July 15 and before noon August 1 is filled by a caucus of precinct committeemen of the political party and election district having the candidate vacancy. Provides that notice of such a caucus must be given in accordance with the rules of the political party having the candidate vacancy. Requires such a candidate vacancy to be filled by not later  
(Continued next page)

**Effective:** July 1, 2015.

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## Ober, Richardson, Smith M, Dermody

(SENATE SPONSOR — WALKER)

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January 15, 2015, read first time and referred to Committee on Elections and Apportionment.

February 12, 2015, amended, reported — Do Pass.

February 16, 2015, read second time, amended, ordered engrossed.

February 17, 2015, engrossed. Read third time, passed. Yeas 59, nays 35.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Elections.

March 30, 2015, amended, reported favorably — Do Pass.

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EH 1008—LS 7436/DI 75



## Digest Continued

than noon, August 15. Provides that a candidate vacancy due to the withdrawal of a candidate that occurs later than noon August 1 may not be filled and the name of the candidate may not be removed from the ballot. Removes a voter's option to vote for all candidates of a political party or an independent ticket at one time (straight ticket voting) in a general or municipal election, except for candidates for presidential electors. Provides that a state party convention may nominate candidates for presidential electors and alternate electors and elect delegates and alternate delegates to the political party's national convention. (Under current law, a political party's state convention is required to perform these functions.) Provides that if a state party convention does not perform either or both of these functions, the functions shall be done as provided in the state party's rules. Repeals superseded statutes relating to straight ticket voting.

**EH 1008—LS 7436/DI 75**



March 31, 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.

## ENGROSSED HOUSE BILL No. 1008

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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 3-8-2-2.7, AS AMENDED BY P.L.219-2013,  
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 2.7. (a) A candidate may withdraw a declaration  
4 of intent to be a write-in candidate not later than noon ~~July 15~~ **August**  
5 **1** before a general or municipal election.

6 (b) This subsection applies to a candidate who filed a declaration of  
7 intent to be a write-in candidate with the election division. The election  
8 division shall issue a corrected certification of write-in candidates  
9 under IC 3-8-7-30 as soon as practicable after a declaration is  
10 withdrawn under this section.

11 SECTION 2. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A political party shall conduct  
13 a state convention to nominate the candidates of the political party for  
14 the following offices to be voted on at the next general election:

15 (1) Lieutenant governor.

**EH 1008—LS 7436/DI 75**



- 1 (2) Secretary of state.  
 2 (3) Auditor of state.  
 3 (4) Treasurer of state.  
 4 (5) Attorney general.  
 5 (6) Superintendent of public instruction.  
 6 (b) The convention ~~shall~~ **may** also:  
 7 (1) nominate candidates for presidential electors and alternate  
 8 electors; and  
 9 (2) elect the delegates and alternate delegates to the national  
 10 convention of the political party.  
 11 **(c) If a political party's state convention does not:**  
 12 **(1) nominate candidates for presidential electors and alternate**  
 13 **electors; or**  
 14 **(2) elect the delegates and alternate delegates to the national**  
 15 **convention of the political party;**  
 16 **the candidates shall be nominated or the delegates elected as**  
 17 **provided in the state party's rules.**  
 18 SECTION 3. IC 3-8-6-13.5, AS AMENDED BY P.L.219-2013,  
 19 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2015]: Sec. 13.5. A candidate may withdraw a petition of  
 21 nomination by noon:  
 22 (1) ~~July 15~~ **August 1** before a general or municipal election; or  
 23 (2) seventy-one (71) days before a special election.  
 24 SECTION 4. IC 3-8-7-28, AS AMENDED BY P.L.194-2013,  
 25 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2015]: Sec. 28. (a) Except as provided in subsections (b) and  
 27 (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or  
 28 IC 3-10-1 desires to withdraw as the nominee, the nominee must file a  
 29 notice of withdrawal in writing with the public official with whom the  
 30 certificate of nomination was filed by noon:  
 31 (1) ~~July 15~~ **August 1** before a general or municipal election;  
 32 (2) August 1 before a municipal election in a town subject to  
 33 IC 3-8-5-10;  
 34 (3) on the date specified for town convention nominees under  
 35 IC 3-8-5-14.5;  
 36 (4) on the date specified for declared write-in candidates under  
 37 IC 3-8-2-2.7;  
 38 (5) on the date specified for a school board candidate under  
 39 IC 3-8-2.5-4; or  
 40 (6) forty-five (45) days before a special election.  
 41 (b) A candidate who is disqualified from being a candidate under  
 42 IC 3-8-1-5 must file a notice of withdrawal immediately upon



1 becoming disqualified. The filing requirements of subsection (a) do not  
2 apply to a notice of withdrawal filed under this subsection.

3 (c) A candidate who has moved from the election district the  
4 candidate sought to represent must file a notice of withdrawal  
5 immediately after changing the candidate's residence. The filing  
6 requirements of subsection (a) do not apply to a notice of withdrawal  
7 filed under this subsection.

8 SECTION 5. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,  
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2015]: Sec. 32. (a) A town election board shall determine  
11 what voting method will be used in a municipal election.

12 (b) The town election board and its precinct election officers shall  
13 perform the duties of the county election board and its precinct election  
14 officers under IC 3-11 for each voting method used.

15 (c) The town election board shall prepare the ballots in the form  
16 prescribed by IC 3-11 and distribute them to the precincts in the town.

17 (d) This subsection applies only to paper ballots. Notwithstanding  
18 subsection (c), the town election board, by unanimous consent of the  
19 board's entire membership, may authorize the printing or reproduction  
20 of ballots on equipment under the control of the town clerk-treasurer.  
21 If the town election board acts under this subsection, the ballots are not  
22 required to conform to the precise dimensions concerning the size of  
23 political party devices under IC 3-11-2-9 or the placement of a  
24 candidate's name under ~~IC 3-11-2-10(f)~~. **IC 3-11-2-10(d)**. However,  
25 the ballots must otherwise substantially conform with IC 3-11-2.

26 SECTION 6. IC 3-11-2-10, AS AMENDED BY P.L.219-2013,  
27 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2015]: Sec. 10. (a) Public questions shall be placed on the  
29 general election ballot in the following order after the statement  
30 described in section 7 of this chapter, and the instructions described in  
31 ~~subsections (d) and (e)~~ **subsection (c)** and section 8 of this chapter:

32 (1) Ratification of a state constitutional amendment.

33 (2) Local public questions.

34 Each public question shall be placed in a separate column on the ballot.

35 (b) The name or title of the political party or independent ticket  
36 described in section 6 of this chapter shall be placed on the general  
37 election ballot after the public questions described in subsection (a).  
38 The device of the political party or independent ticket shall be placed  
39 immediately under the name of the political party or independent ticket.  
40 ~~The instructions for voting a straight party ticket shall be placed to the~~  
41 ~~right of the device.~~

42 (c) ~~The instructions for voting a straight party ticket must conform~~



1 as nearly as possible to the following: "To vote a straight (insert  
2 political party name) ticket for all (insert political party name)  
3 candidates on this ballot, make a voting mark on or in this circle and do  
4 not make any other marks on this ballot. If you wish to vote for a  
5 candidate seeking a nonpartisan office or on a public question, you  
6 must make another voting mark on the appropriate place on this  
7 ballot."

8 (d) If the ballot contains an independent ticket described in section  
9 6 of this chapter and at least one (1) other independent candidate, the  
10 ballot must also contain a statement that reads substantially as follows:  
11 "A vote cast for an independent ticket will only be counted for the  
12 candidates for President and Vice President or governor and lieutenant  
13 governor comprising that independent ticket. This vote will NOT be  
14 counted for any OTHER independent candidate appearing on the  
15 ballot."

16 (e) (c) The ballot must also contain a statement that reads  
17 substantially as follows: "A write-in vote will NOT be counted unless  
18 the vote is for a DECLARED write-in candidate. To vote for a write-in  
19 candidate, you must make a voting mark on or in the square to the left  
20 of the name you have written in or your vote will not be counted."

21 (f) (d) The list of candidates of the political party shall be placed  
22 immediately under the instructions for voting a straight party ticket.  
23 **device of the political party.** The names of the candidates shall be  
24 placed three-fourths (3/4) of an inch apart from center to center of the  
25 name. The name of each candidate must have, immediately on its left,  
26 a square three-eighths (3/8) of an inch on each side.

27 (g) (e) The circuit court clerk may authorize the printing of ballots  
28 containing a ballot variation code to ensure that the proper version of  
29 a ballot is used within a precinct.

30 SECTION 7. IC 3-11-7-4, AS AMENDED BY P.L.219-2013,  
31 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2015]: Sec. 4. (a) A ballot card voting system must permit a  
33 voter to vote

34 (1) except at a primary election, a straight party ticket for all of  
35 the candidates of one (1) political party by a single mark on each  
36 ballot card;

37 (2) for one (1) or more candidates of each political party or  
38 independent candidates, or for one (1) or more school board  
39 candidates nominated by petition.

40 (3) a split ticket for the candidates of different political parties  
41 and for independent candidates; or

42 (4) a straight party ticket and then split that ticket by casting



- 1 individual votes for candidates of another political party or  
 2 independent candidate:  
 3 (b) A ballot card voting system must permit a voter to vote:  
 4 (1) for all candidates for presidential electors of a political party  
 5 or an independent ticket by making a single voting mark; and  
 6 (2) for or against a public question on which the voter may vote.  
 7 SECTION 8. IC 3-11-7-6 IS REPEALED [EFFECTIVE JULY 1,  
 8 2015]. Sec. 6: A ballot card voting system must count a ballot in  
 9 accordance with IC 3-12-1-7 when a voter votes a straight ticket vote  
 10 and votes for individual candidates as described by IC 3-12-1-7.  
 11 SECTION 9. IC 3-11-7.5-10, AS AMENDED BY P.L.219-2013,  
 12 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2015]: Sec. 10. (a) An electronic voting system must permit  
 14 a voter to vote  
 15 (1) except at a primary election, a straight party ticket for all the  
 16 candidates of one (1) political party by touching the device of that  
 17 party;  
 18 (2) for one (1) or more candidates of each political party or  
 19 independent candidates, or for one (1) or more school board  
 20 candidates nominated by petition.  
 21 (3) a split ticket for the candidates of different political parties  
 22 and for independent candidates; or  
 23 (4) a straight party ticket and then split that ticket by casting  
 24 individual votes for candidates of another political party or  
 25 independent candidates:  
 26 (b) An electronic voting system must permit a voter to vote:  
 27 (1) for as many candidates for an office as the voter may vote for,  
 28 but no more;  
 29 (2) for or against a public question on which the voter may vote,  
 30 but no other; and  
 31 (3) for all the candidates for presidential electors of a political  
 32 party or an independent ticket by making a single voting mark.  
 33 SECTION 10. IC 3-11-11-10 IS REPEALED [EFFECTIVE JULY  
 34 1, 2015]. Sec. 10: If an election is a general or municipal election and  
 35 a voter desires to vote for all the candidates of one (1) political party or  
 36 group of petitioners, the voter may make a voting mark on or in a large  
 37 circle enclosing the device and before the name under which the  
 38 candidates of the party or group of petitioners are printed. The voter's  
 39 vote shall then be counted for all the candidates under that party name  
 40 or for the two (2) candidates comprising an independent ticket.  
 41 SECTION 11. IC 3-11-13-11, AS AMENDED BY P.L.194-2013,  
 42 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]; Sec. 11. (a) The ballot information, whether placed on  
 2 the ballot card or on the marking device, must be in the order of  
 3 arrangement provided for ballots under this section.

4 (b) Each county election board shall have the names of all  
 5 candidates for all elected offices, political party offices, and public  
 6 questions printed on a ballot card as provided in this chapter. The  
 7 county may:

8 (1) print all offices and questions on a single ballot card; and

9 (2) include a ballot variation code to ensure that the proper  
 10 version of a ballot is used within a precinct.

11 (c) Each type of ballot card must be of uniform size and of the same  
 12 quality and color of paper (except as permitted under IC 3-10-1-17).

13 (d) The nominees of a political party or an independent candidate  
 14 or independent ticket (described in IC 3-11-2-6) nominated by  
 15 petitioners shall be listed on the ballot with the name and device set  
 16 forth on the certification or petition. The circle containing the device  
 17 may be of any size that permits a voter to readily identify the device.  
 18 IC 3-11-2-5 applies if the certification or petition does not include a  
 19 name or device, or if the same device is selected by two (2) or more  
 20 parties or petitioners.

21 (e) The offices and public questions on the general election ballot  
 22 must be placed on the ballot in the order listed in IC 3-11-2-12,  
 23 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),  
 24 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and  
 25 IC 3-11-2-14(d). The offices and public questions may be listed in a  
 26 continuous column either vertically or horizontally and on a number of  
 27 separate pages.

28 (f) The name of each office must be printed in a uniform size in bold  
 29 type. A statement reading substantially as follows must be placed  
 30 immediately below the name of the office and above the name of the  
 31 first candidate:

32 (1) "Vote for one (1) only.", if only one (1) candidate is to be  
 33 elected to the office.

34 (2) "Vote for not more than (insert the number of candidates to be  
 35 elected) candidate(s) for this office.", if more than one (1)  
 36 candidate is to be elected to the office.

37 (g) Below the name of the office and the statement required by  
 38 subsection (f), the names of the candidates for each office must be  
 39 grouped together in the following order:

40 (1) The major political party whose candidate received the highest  
 41 number of votes in the county for secretary of state at the last  
 42 election is listed first.





- 1 (2) The major political party whose candidate received the second  
 2 highest number of votes in the county for secretary of state is  
 3 listed second.
- 4 (3) All other political parties listed in the order that the parties'  
 5 candidates for secretary of state finished in the last election are  
 6 listed after the party listed in subdivision (2).
- 7 (4) If a political party did not have a candidate for secretary of  
 8 state in the last election or a nominee is an independent candidate  
 9 or independent ticket (described in IC 3-11-2-6), the party or  
 10 candidate is listed after the parties described in subdivisions (1),  
 11 (2), and (3).
- 12 (5) If more than one (1) political party or independent candidate  
 13 or ticket described in subdivision (4) qualifies to be on the ballot,  
 14 the parties, candidates, or tickets are listed in the order in which  
 15 the party filed its petition of nomination under IC 3-8-6-12.
- 16 (6) A space for write-in voting is placed after the candidates listed  
 17 in subdivisions (1) through (5), if required by law.
- 18 (7) The name of a write-in candidate may not be listed on the  
 19 ballot.
- 20 (h) The names of the candidates grouped in the order established by  
 21 subsection (g) must be printed in type with uniform capital letters and  
 22 have a uniform space between each name. The name of the candidate's  
 23 political party, or the word "Independent" if the:  
 24 (1) candidate; or  
 25 (2) ticket of candidates for:  
 26 (A) President and Vice President of the United States; or  
 27 (B) governor and lieutenant governor;  
 28 is independent, must be placed immediately below or beside the name  
 29 of the candidate and must be printed in a uniform size and type.
- 30 (i) All the candidates of the same political party for election to  
 31 at-large seats on the fiscal or legislative body of a political subdivision  
 32 must be grouped together:  
 33 (1) under the name of the office that the candidates are seeking;  
 34 (2) in the order established by subsection (g); and  
 35 (3) within the political party, in alphabetical order according to  
 36 surname.
- 37 A statement reading substantially as follows must be placed  
 38 immediately below the name of the office and above the name of the  
 39 first candidate: "Vote for not more than (insert the number of  
 40 candidates to be elected) candidate(s) of ANY party for this office."
- 41 (j) Candidates for election to at-large seats on the governing body  
 42 of a school corporation must be grouped:



- 1 (1) under the name of the office that the candidates are seeking;  
 2 and  
 3 (2) in alphabetical order according to surname.
- 4 A statement reading substantially as follows must be placed  
 5 immediately below the name of the office and above the name of the  
 6 first candidate: "Vote for not more than (insert the number of  
 7 candidates to be elected) candidate(s) for this office."
- 8 (k) The following information must be placed at the top of the ballot  
 9 before the first public question is listed:
- 10 (1) The cautionary statement described in IC 3-11-2-7.  
 11 (2) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d);~~  
 12 ~~and IC 3-11-2-10(e);~~ **IC 3-11-2-10(c).**
- 13 (l) The ballot must include: ~~a single connectable arrow, circle, oval,~~  
 14 ~~or square; or a voting position for voting a straight party or an~~  
 15 ~~independent ticket (described in IC 3-11-2-6) by one (1) mark as~~  
 16 ~~required by section 14 of this chapter; and the single connectable~~  
 17 ~~arrow, circle, oval, or square; or the voting position for casting a~~  
 18 ~~straight party or an independent ticket ballot must be identified by:~~
- 19 (1) the name of the political party or independent ticket  
 20 (described in IC 3-11-2-6); and  
 21 (2) immediately below or beside the political party's or  
 22 independent ticket's name, the device of that party or ticket  
 23 (described in IC 3-11-2-5).
- 24 The name and device of each political party or independent ticket must  
 25 be of uniform size and type and arranged in the order established by  
 26 subsection (g) for listing candidates under each office. ~~The instructions~~  
 27 ~~described in IC 3-11-2-10(e) for voting a straight party ticket and~~ The  
 28 statement concerning presidential electors required under IC 3-10-4-3  
 29 may be placed on the ballot beside or above the names and devices  
 30 within the voting booth in a location that permits the voter to easily  
 31 read the instructions.
- 32 (m) A public question must be in the form described in  
 33 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable  
 34 arrow, a circle, or an oval may be used instead of a square. Except as  
 35 expressly authorized or required by statute, a county election board  
 36 may not print a ballot card that contains language concerning the public  
 37 question other than the language authorized by a statute.
- 38 (n) The requirements in this section:  
 39 (1) do not replace; and  
 40 (2) are in addition to;  
 41 any other requirements in this title that apply to optical scan ballots.
- 42 (o) The procedure described in IC 3-11-2-16 must be used when a



1 ballot does not comply with the requirements imposed by this title or  
 2 contains another error or omission that might result in confusion or  
 3 mistakes by voters.

4 (p) This subsection applies to an optical scan ballot that does not  
 5 list:

- 6 (1) the names of ~~political parties~~ or candidates; or
- 7 (2) the text of public questions;

8 on the face of the ballot. The ballot must be prepared in accordance  
 9 with this section, except that the ballot must include a numbered circle  
 10 or oval to refer to each ~~political party~~; candidate or public question.

11 SECTION 12. IC 3-11-13-14 IS REPEALED [EFFECTIVE JULY  
 12 1, 2015]. ~~Sec. 14. In partisan elections, the ballot labels must include~~  
 13 ~~a voting square or position where a voter may by one (1) mark on each~~  
 14 ~~card record a straight party or an independent ticket vote for all the~~  
 15 ~~candidates of one (1) political party or the independent ticket, except~~  
 16 ~~for offices for which the voter has voted individually for a candidate.~~  
 17 ~~If the voter records a vote for the two (2) candidates comprising an~~  
 18 ~~independent ticket, the vote must not count for any other independent~~  
 19 ~~candidate on the ballot.~~

20 SECTION 13. IC 3-11-13-31.7, AS AMENDED BY HEA  
 21 1138-2015, SECTION 193, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2015]: Sec. 31.7. (a) This section is enacted to  
 23 comply with 52 U.S.C. 21081 by establishing uniform and  
 24 nondiscriminatory standards to define what constitutes a vote on an  
 25 optical scan voting system.

26 (b) After receiving ballot cards, a voter shall, without leaving the  
 27 room, go alone into one (1) of the booths or compartments that is  
 28 unoccupied and indicate:

- 29 (1) the candidates for whom the voter desires to vote by marking  
 30 the connectable arrows, circles, ovals, or squares immediately  
 31 beside:

- 32 (A) the candidates' names; or
- 33 (B) the numbers referring to the candidates; and

- 34 (2) the voter's preference on each public question by marking the  
 35 connectable arrow, oval, or square beside:

- 36 (A) the word "yes" or "no" under the question; or
- 37 (B) the number referring to the word "yes" or "no" on the  
 38 ballot.

39 (c) If an election is a general or municipal election and a voter  
 40 desires to vote for all the candidates of one (1) political party or  
 41 independent ticket (described in IC 3-11-2-6), the voter may mark:

- 42 (1) the circle enclosing the device; or



- 1           (2) the connectable arrow, circle, oval, or square described in  
 2           section 11 of this chapter;  
 3           that designates the candidates of that political party or independent  
 4           ticket (described in IC 3-11-2-6). The voter's vote shall then be counted  
 5           for all the candidates of that political party or included in the  
 6           independent ticket (described in IC 3-11-2-6). However, if the voter  
 7           marks the circle, arrow, oval, or square of an independent ticket  
 8           (described in IC 3-11-2-6), the vote shall not be counted for any other  
 9           independent candidate on the ballot.
- 10          ~~(d)~~ (c) This subsection applies to a voter casting a ballot on a voting  
 11          system that includes features of both an optical scan ballot card voting  
 12          system and a direct record electronic voting system. After entering into  
 13          a booth used with the voting system, the voter shall indicate the  
 14          candidates for whom the voter desires to vote and the voter's preference  
 15          on each public question by:
- 16                (1) inserting a paper ballot or an optical scan ballot into the voting  
 17                system; or  
 18                (2) using headphones to listen to a recorded list of ~~political~~  
 19                parties, candidates and public questions.
- 20          ~~(e)~~ (d) A voter using a voting system described in subsection ~~(d)~~ (c)  
 21          may indicate the voter's selections by:
- 22                (1) touching a device on or in the squares immediately adjacent  
 23                to the name of a ~~political party~~, candidate or response to a public  
 24                question; or  
 25                (2) indicating the voter's choices by using a sip puff device that  
 26                enables the voter to indicate a choice by inhaling or exhaling.
- 27          SECTION 14. IC 3-11-14-3.5, AS AMENDED BY P.L.76-2014,  
 28          SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29          JULY 1, 2015]: Sec. 3.5. (a) Each county election board shall have the  
 30          names of all candidates for all elected offices, political party offices,  
 31          and public questions printed on ballot labels for use in an electronic  
 32          voting system as provided in this chapter.
- 33                (b) The county may:
- 34                    (1) print all offices and public questions on a single ballot label;  
 35                    and  
 36                    (2) include a ballot variation code to ensure that the proper  
 37                    version of a ballot label is used within a precinct.
- 38                (c) Each type of ballot label must be of uniform size and of the same  
 39                quality and color of paper (except as permitted under IC 3-10-1-17).
- 40                (d) The nominees of a political party or an independent candidate  
 41                or independent ticket (described in IC 3-11-2-6) nominated by  
 42                petitioners must be listed on the ballot label with the name and device



1 set forth on the certification or petition. The circle containing the  
 2 device may be of any size that permits a voter to readily identify the  
 3 device. IC 3-11-2-5 applies if the certification or petition does not  
 4 include a name or device, or if the same device is selected by two (2)  
 5 or more parties or petitioners.

6 (e) The ballot labels must list the offices and public questions on the  
 7 general election ballot in the order listed in IC 3-11-2-12,  
 8 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),  
 9 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and  
 10 IC 3-11-2-14(d). Each office and public question may have a separate  
 11 screen, or the offices and public questions may be listed in a  
 12 continuous column either vertically or horizontally.

13 (f) The name of each office must be printed in a uniform size in bold  
 14 type. A statement reading substantially as follows must be placed  
 15 immediately below the name of the office and above the name of the  
 16 first candidate:

17 (1) "Vote for one (1) only.", if only one (1) candidate is to be  
 18 elected to the office.

19 (2) "Vote for not more than (insert the number of candidates to be  
 20 elected) candidate(s) for this office.", if more than one (1)  
 21 candidate is to be elected to the office.

22 (g) Below the name of the office and the statement required by  
 23 subsection (f), the names of the candidates for each office must be  
 24 grouped together in the following order:

25 (1) The major political party whose candidate received the highest  
 26 number of votes in the county for secretary of state at the last  
 27 election is listed first.

28 (2) The major political party whose candidate received the second  
 29 highest number of votes in the county for secretary of state is  
 30 listed second.

31 (3) All other political parties listed in the order that the parties'  
 32 candidates for secretary of state finished in the last election are  
 33 listed after the party listed in subdivision (2).

34 (4) If a political party did not have a candidate for secretary of  
 35 state in the last election or a nominee is an independent candidate  
 36 or independent ticket (described in IC 3-11-2-6), the party or  
 37 candidate is listed after the parties described in subdivisions (1),  
 38 (2), and (3).

39 (5) If more than one (1) political party or independent candidate  
 40 or ticket described in subdivision (4) qualifies to be on the ballot,  
 41 the parties, candidates, or tickets are listed in the order in which  
 42 the party filed its petition of nomination under IC 3-8-6-12.



1 (6) A space for write-in voting is placed after the candidates listed  
 2 in subdivisions (1) through (5), if required by law. A space for  
 3 write-in voting for an office is not required if there are no  
 4 declared write-in candidates for that office. However, procedures  
 5 must be implemented to permit write-in voting for candidates for  
 6 federal offices.

7 (7) The name of a write-in candidate may not be listed on the  
 8 ballot.

9 (h) The names of the candidates grouped in the order established by  
 10 subsection (g) must be printed in type with uniform capital letters and  
 11 have a uniform space between each name. The name of the candidate's  
 12 political party, or the word "Independent", if the:

13 (1) candidate; or

14 (2) ticket of candidates for:

15 (A) President and Vice President of the United States; or

16 (B) governor and lieutenant governor;

17 is independent, must be placed immediately below or beside the name  
 18 of the candidate and must be printed in uniform size and type.

19 (i) All the candidates of the same political party for election to  
 20 at-large seats on the fiscal or legislative body of a political subdivision  
 21 must be grouped together:

22 (1) under the name of the office that the candidates are seeking;

23 (2) in the party order established by subsection (g); and

24 (3) within the political party, in alphabetical order according to  
 25 surname.

26 A statement reading substantially as follows must be placed  
 27 immediately below the name of the office and above the name of the  
 28 first candidate: "Vote for not more than (insert the number of  
 29 candidates to be elected) candidate(s) of ANY party for this office."

30 (j) Candidates for election to at-large seats on the governing body  
 31 of a school corporation must be grouped:

32 (1) under the name of the office that the candidates are seeking;  
 33 and

34 (2) in alphabetical order according to surname.

35 A statement reading substantially as follows must be placed  
 36 immediately below the name of the office and above the name of the  
 37 first candidate: "Vote for not more than (insert the number of  
 38 candidates to be elected) candidate(s) for this office."

39 (k) The cautionary statement described in IC 3-11-2-7 must be  
 40 placed at the top or beginning of the ballot label before the first public  
 41 question is listed.

42 (l) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d)~~; and



- 1 ~~IC 3-11-2-10(c)~~ **IC 3-11-2-10(c)** may be:
- 2 (1) placed on the ballot label; or
- 3 (2) posted in a location within the voting booth that permits the
- 4 voter to easily read the instructions.
- 5 (m) The ballot label must include: ~~a touch sensitive point or button~~
- 6 ~~for voting a straight political party or independent ticket (described in~~
- 7 ~~IC 3-11-2-6) by one (1) touch; and the touch sensitive point or button~~
- 8 ~~must be identified by:~~
- 9 (1) the name of the political party or independent ticket; and
- 10 (2) immediately below or beside the political party's or
- 11 independent ticket's name, the device of that party or ticket
- 12 (described in IC 3-11-2-5).
- 13 The name and device of each party or ticket must be of uniform size
- 14 and type, and arranged in the order established by subsection (g) for
- 15 listing candidates under each office. ~~The instructions described in~~
- 16 ~~IC 3-11-2-10(c) for voting a straight party ticket and~~ The statement
- 17 concerning presidential electors required under IC 3-10-4-3 may be
- 18 placed on the ballot label or in a location within the voting booth that
- 19 permits the voter to easily read the instructions.
- 20 (n) A public question must be in the form described in
- 21 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
- 22 point or button must be used instead of a square. Except as expressly
- 23 authorized or required by statute, a county election board may not print
- 24 a ballot label that contains language concerning the public question
- 25 other than the language authorized by a statute.
- 26 (o) The requirements in this section:
- 27 (1) do not replace; and
- 28 (2) are in addition to;
- 29 any other requirements in this title that apply to ballots for electronic
- 30 voting systems.
- 31 (p) The procedure described in IC 3-11-2-16 must be used when a
- 32 ballot label does not comply with the requirements imposed by this title
- 33 or contains another error or omission that might result in confusion or
- 34 mistakes by voters.
- 35 SECTION 15. IC 3-11-14-23, AS AMENDED BY HEA 1138-2015,
- 36 SECTION 194, IS AMENDED TO READ AS FOLLOWS
- 37 [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) This section is enacted to
- 38 comply with 52 U.S.C. 21081 by establishing uniform and
- 39 nondiscriminatory standards to define what constitutes a vote on an
- 40 electronic voting system.
- 41 (b) If a voter is not challenged by a member of the precinct election
- 42 board, the voter may pass the railing to the side where an electronic



1 voting system is and into the voting booth. There the voter shall  
2 register the voter's vote in secret by indicating:

3 (1) the candidates for whom the voter desires to vote by touching  
4 a device on or in the squares immediately above the candidates'  
5 names;

6 (2) if the voter intends to cast a write-in vote, a write-in vote by  
7 touching a device on or in the square immediately below the  
8 candidates' names and printing the name of the candidate in the  
9 window provided for write-in voting; and

10 (3) the voter's preference on each public question by touching a  
11 device above the word "yes" or "no" under the question.

12 ~~(e) If an election is a general or municipal election and a voter  
13 desires to vote for all the candidates of one (1) political party or group  
14 of petitioners, the voter may cast a straight party ticket by touching that  
15 party's device. The voter's vote shall then be counted for all the  
16 candidates under that name. However, if the voter casts a vote by  
17 touching the circle of an independent ticket comprised of two (2)  
18 candidates, the vote shall not be counted for any other independent  
19 candidate on the ballot.~~

20 ~~(d)~~ (c) As provided by 52 U.S.C. 21081, a voter casting a ballot on  
21 an electronic voting system must be:

22 (1) permitted to verify in a private and independent manner the  
23 votes selected by the voter before the ballot is cast and counted;

24 (2) provided the opportunity to change the ballot or correct any  
25 error in a private and independent manner before the ballot is cast  
26 and counted, including the opportunity to receive a replacement  
27 ballot if the voter is otherwise unable to change or correct the  
28 ballot; and

29 (3) notified before the ballot is cast regarding the effect of casting  
30 multiple votes for the office and provided an opportunity to  
31 correct the ballot before the ballot is cast and counted.

32 SECTION 16. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,  
33 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2015]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and 13 of  
35 this chapter, the primary factor to be considered in determining a  
36 voter's choice on a ballot is the intent of the voter. If the voter's intent  
37 can be determined on the ballot or on part of the ballot, the vote shall  
38 be counted for the affected candidate or candidates or on the public  
39 question. However, if it is impossible to determine a voter's choice of  
40 candidates on a part of a ballot or vote on a public question, then the  
41 voter's vote concerning those candidates or public questions may not  
42 be counted.





1 SECTION 17. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,  
 2 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This subsection applies  
 4 whenever a voter:

5 (1) votes a straight party ticket; and

6 (2) votes only for one (1) or more individual candidates who are  
 7 all of the same political party as the straight ticket vote.

8 The straight ticket vote shall be counted and the individual candidate  
 9 votes may not be counted.

10 (b) This subsection applies whenever:

11 (1) a voter has voted a straight party ticket for the candidates of  
 12 one (1) political party;

13 (2) only one (1) person may be elected to an office; and

14 (3) the voter has voted for one (1) individual candidate for the  
 15 office described in subdivision (2) who is:

16 (A) a candidate of a political party other than the party for  
 17 which the voter voted a straight ticket; or

18 (B) an independent candidate for the office.

19 If the voter has voted for one (1) individual candidate for the office  
 20 described in subdivision (2); the individual candidate vote for that  
 21 office shall be counted; the straight party ticket vote for that office may  
 22 not be counted; and the straight party ticket votes for other offices on  
 23 the ballot shall be counted.

24 (c) This subsection applies whenever:

25 (1) a voter has voted a straight party ticket for the candidates of  
 26 one (1) political party; and

27 (2) the voter has voted for more individual candidates for the  
 28 office than the number of persons to be elected to that office.

29 The individual candidate votes for that office may not be counted; the  
 30 straight party ticket vote for that office may not be counted; and the  
 31 straight party ticket votes for other offices on the ballot shall be  
 32 counted.

33 (d) This subsection applies whenever:

34 (1) a voter has voted a straight party ticket for the candidates of  
 35 one (1) political party;

36 (2) more than one (1) person may be elected to an office; and

37 (3) the voter has voted for individual candidates for the office  
 38 described in subdivision (2) who are:

39 (A) independent candidates;

40 (B) candidates of a political party other than the political party  
 41 for which the voter cast a straight party ticket under  
 42 subdivision (1); or



- 1           (C) a combination of candidates described in clauses (A) and  
2           (B).  
3           The individual votes cast by the voter for the office for the independent  
4           candidates and the candidates of a political party other than the  
5           political party for which the voter cast a straight party ticket shall be  
6           counted. The straight party ticket vote cast by that voter for that office  
7           shall be counted unless the total number of votes cast for the office by  
8           the voter, when adding the voter's votes for the individual candidates  
9           for the office and the voter's straight party ticket votes for the office, is  
10          greater than the number of persons to be elected to the office. If the  
11          total number of votes cast for the office is greater than the number of  
12          persons to be elected to the office, the straight party ticket votes for the  
13          office may not be counted. The straight party ticket votes for other  
14          offices on the voter's ballot shall be counted.
- 15          (e) This subsection applies whenever:  
16               (1) a voter has voted a straight party ticket for the candidates of  
17               one (1) political party;  
18               (2) more than one (1) person may be elected to an office; and  
19               (3) the voter has voted for individual candidates for the office  
20               described in subdivision (2) who are:  
21                       (A) independent candidates or candidates of a political party  
22                       other than the political party for which the voter cast a straight  
23                       party ticket under subdivision (1); and  
24                       (B) candidates of the same political party for which the voter  
25                       cast a straight party ticket under subdivision (1).
- 26          The individual votes cast by the voter for the office for the independent  
27          candidates and the candidates of a political party other than the  
28          political party for which the voter cast a straight party ticket shall be  
29          counted. The individual votes cast by the voter for the office for the  
30          candidates of the same political party for which the voter cast a straight  
31          party ticket may not be counted. The straight party ticket vote cast by  
32          that voter for that office shall be counted unless the total number of  
33          votes cast for the office by the voter, when adding the voter's votes for  
34          the individual candidates for the office and the voter's straight party  
35          ticket vote for the office is greater than the number of persons to be  
36          elected to the office. If the total number of votes cast for the office is  
37          greater than the number of persons to be elected to the office, the  
38          straight party ticket votes for that office may not be counted. The  
39          straight party ticket votes for other offices on the voter's ballot shall be  
40          counted.
- 41          (f) If a voter votes a straight party ticket for more than one (1)  
42          political party, the whole ballot is void with regard to all candidates



1 nominated by a political party or designated as independent candidates  
 2 on the ballot. However, the voter's vote for a school board candidate or  
 3 on a public question shall be counted if otherwise valid under this  
 4 chapter.

5 (g) (a) If a voter does not vote a straight party ticket and the number  
 6 of votes cast by that a voter for the candidates for an office are is less  
 7 than or equal to the number of openings for that office, the individual  
 8 candidates' votes shall be counted.

9 (h) (b) If a voter does not vote a straight party ticket and the number  
 10 of votes cast by that a voter for an office exceeds the number of  
 11 openings for that office, none of the votes concerning that office may  
 12 be counted.

13 SECTION 18. IC 3-12-1-7.5 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) If a voter votes  
 15 a straight party ticket for at least one (1) office for which only one (1)  
 16 person may be elected and writes in the name of a candidate, the  
 17 straight party ticket vote shall be counted for all offices except the  
 18 offices for which a write-in vote was cast. The write-in vote shall be  
 19 counted if the voter's intent can be determined.

20 (b) If a voter votes a straight party ticket for an office for which at  
 21 least two (2) people may be elected and writes in the name of a  
 22 candidate, the straight party vote for that office may not be counted  
 23 unless:

24 (1) fewer candidates appear on the party's ticket than may be  
 25 elected; and

26 (2) the voter has not written in a number of names that, when  
 27 added to the straight party candidate's name, would be greater  
 28 than the number of seats available for that office.

29 (c) (a) If a voter votes for one (1) individual candidate for an office  
 30 for which only one (1) person may be elected and also writes in the  
 31 name of another candidate for the same office, neither vote may be  
 32 counted.

33 (d) (b) If a voter votes for at least one (1) individual candidate for  
 34 an office for which at least two (2) people may be elected and also  
 35 writes in the name of at least one (1) candidate, the vote for that office  
 36 may not be counted unless the number of individual votes cast for the  
 37 office, when added to the number of write-in votes cast for that office,  
 38 is less than or equal to the number of seats available for that office.

39 (e) If a voter votes an individual or a straight party vote for a  
 40 candidate for an office and also writes in the name of the same  
 41 candidate for the same office, only one (1) vote for that candidate may  
 42 be counted.



1 SECTION 19. IC 3-12-1-8 IS REPEALED [EFFECTIVE JULY 1,  
2 2015]. Sec. 8: A voting mark made by a voter on or in a circle  
3 containing a political party device shall be counted as a vote for each  
4 candidate of that political party on that ballot.

5 SECTION 20. IC 3-12-1-14 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) This section  
7 does not apply to a vote

8 (1) cast for President or Vice President of the United States under  
9 IC 3-10-4-6. or

10 (2) described by section 15 of this chapter.

11 (b) A vote cast for a candidate who ceases to be a candidate may not  
12 be counted as a vote for a successor candidate selected under IC 3-13-1  
13 or IC 3-13-2.

14 SECTION 21. IC 3-12-1-15 IS REPEALED [EFFECTIVE JULY 1,  
15 2015]. Sec. 15: (a) This section applies to a vote cast for one (1)  
16 straight party ticket that includes a candidate for election to office who:

17 (1) ceases to be a candidate; and

18 (2) is succeeded by a candidate selected under IC 3-13-1 or  
19 IC 3-13-2.

20 (b) A vote cast in the election for the original nominee is considered  
21 a vote cast for the successor.

22 SECTION 22. IC 3-13-1-7 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Except as  
24 provided in subsection (b), action to fill a candidate vacancy must be  
25 taken:

26 (1) not later than noon June 30 after the primary election if the  
27 vacancy exists on a general or municipal election ballot; and

28 (2) within thirty (30) days after the occurrence of the vacancy, if  
29 the vacancy exists on a special election ballot, subject to section  
30 2 of this chapter.

31 (b) This subsection applies to a candidate vacancy that exists before  
32 the thirtieth day before a general, municipal, or special election and  
33 that is due to any of the following:

34 (1) The death of a candidate.

35 (2) The withdrawal of a candidate **not later than noon July 15.**

36 (3) The disqualification of a candidate under IC 3-8-1-5.

37 (4) A court order issued under IC 3-8-7-29(d).

38 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this  
39 chapter for reasons permitted under this subsection must be taken  
40 within thirty (30) days after the occurrence of the vacancy.

41 SECTION 23. IC 3-13-1-7.5 IS ADDED TO THE INDIANA CODE  
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 2015]: **Sec. 7.5. (a) This section applies only to the filling of a**  
 2 **candidate vacancy:**

3 **(1) due to the withdrawal of a candidate; and**

4 **(2) that occurs after noon July 15 and not later than noon**  
 5 **August 1.**

6 **(b) This subsection does not apply to a candidate vacancy that**  
 7 **occurs due to the withdrawal of a candidate who moves from the**  
 8 **election district. A candidate vacancy that occurs due to the**  
 9 **withdrawal of a candidate after noon August 1 may not be filled.**  
 10 **The name of a candidate who withdraws after noon August 1 may**  
 11 **not be removed from the ballot.**

12 **(c) The other provisions of this chapter apply to filling a**  
 13 **candidate vacancy under this section except if in conflict with this**  
 14 **section. In case of a conflict, the provisions of this section apply.**

15 **(d) Notwithstanding other provisions of this chapter, notice of**  
 16 **a meeting held under this section must be given in accordance with**  
 17 **the rules of the political party having the candidate vacancy.**

18 **(e) A vacancy filled under this chapter must be filled not later**  
 19 **than noon August 15.**

20 **(f) The certificate of candidate selection required by section 15**  
 21 **of this chapter shall be filed not later than noon three (3) days**  
 22 **(excluding Saturdays and Sundays) after selection of the candidate.**

23 SECTION 24. IC 3-13-1-8, AS AMENDED BY HEA 1139-2015,  
 24 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2015]: Sec. 8. A meeting under section 3, 4, 5, ~~or 6, 7 or 7.5~~  
 26 of this chapter shall be called and chaired by:

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

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



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1008, 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 1, line 5, delete "September 1" and insert "**August 1**".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A political party shall conduct a state convention to nominate the candidates of the political party for the following offices to be voted on at the next general election:

- (1) Lieutenant governor.
- (2) Secretary of state.
- (3) Auditor of state.
- (4) Treasurer of state.
- (5) Attorney general.
- (6) Superintendent of public instruction.

(b) The convention ~~shall~~ **may** also:

- (1) nominate candidates for presidential electors and alternate electors; and
- (2) elect the delegates and alternate delegates to the national convention of the political party.

**(c) If a political party's state convention does not:**

- (1) nominate candidates for presidential electors and alternate electors; or**
- (2) elect the delegates and alternate delegates to the national convention of the political party;**

**the candidates shall be nominated or the delegates elected as provided in the state party's rules."**

Page 1, line 15, delete "September 1" and insert "**August 1**".

Page 2, line 10, delete "September 1" and insert "**August 1**".

Page 14, after line 42, begin a new paragraph and insert:

"SECTION 17. IC 3-11-18.1-6, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. **(a)** When the total number of active voters in the county equals at least twenty-five thousand (25,000), the following apply:

- (1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.
- (2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten



thousand (10,000) voters.

**(b) This subsection applies if a vote center plan, or an amendment to a vote center plan, is not adopted by a unanimous vote of the entire membership of the board. In addition to the number of vote centers required by subsection (a), the plan must provide that at least one (1) vote center must be located in each township in the county that has five thousand (5,000) or more active voters."**

Page 19, delete lines 6 through 12, begin a new paragraph and insert:

"SECTION 25. IC 3-13-1-4, AS AMENDED BY P.L.219-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. **(a)** Except as provided in IC 3-10-8-7.5 **and subsection (b)**, a candidate vacancy for United States Representative shall be filled by a caucus comprised by the precinct committeemen of the political party whose precincts are within the congressional district.

**(b) A candidate vacancy that exists due to the withdrawal of a candidate after noon July 15 shall be filled as provided in section 7.5 of this chapter.**

SECTION 26. IC 3-13-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. **(a) Except as provided in subsection (b)**, a candidate vacancy for a legislative office shall be filled by a caucus comprised by the precinct committeemen of the political party whose precincts are within the senate or house district.

**(b) A candidate vacancy that exists due to the withdrawal of a candidate after noon July 15 shall be filled as provided in section 7.5 of this chapter.**

SECTION 27. IC 3-13-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Except as provided in ~~subsection (b)~~, **subsections (b) and (c)**, a candidate vacancy for a local office shall be filled by:

- (1) a caucus comprised of the precinct committeemen who are eligible to participate under section 10 of this chapter; or
- (2) the county chairman of the political party or a caucus comprised of the chairman, vice chairman, secretary, and treasurer of the county committee of the party, if:

- (A) authorized to fill vacancies under this chapter by majority vote of the county committee; and
- (B) the election district for the local office is entirely within one (1) county.

**(b) A candidate vacancy for the office of circuit court judge or**



prosecuting attorney in a circuit having more than one (1) county shall be filled by a caucus comprised of the precinct committeemen who constitute the county committees of the political party for all of the circuit.

**(c) A candidate vacancy that exists due to the withdrawal of a candidate after noon July 15 shall be filled as provided in section 7.5 of this chapter.**

SECTION 28. IC 3-13-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Except as provided in subsection (b), action to fill a candidate vacancy must be taken:

- (1) not later than noon June 30 after the primary election if the vacancy exists on a general or municipal election ballot; and
- (2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

(b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general, municipal, or special election and that is due to any of the following:

- (1) The death of a candidate.
- (2) The withdrawal of a candidate **not later than noon July 15.**
- (3) The disqualification of a candidate under IC 3-8-1-5.
- (4) A court order issued under IC 3-8-7-29(d).

Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

SECTION 29. IC 3-13-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. (a) This section applies only to the filling of a candidate vacancy:**

- (1) due to the withdrawal of a candidate; and**
- (2) that occurs after noon July 15 and not later than noon August 1.**

**(b) This subsection does not apply to a candidate vacancy that occurs due to the withdrawal of a candidate who moves from the election district. A candidate vacancy that occurs due to the withdrawal of a candidate after noon August 1 may not be filled. The name of a candidate who withdraws after noon August 1 may not be removed from the ballot.**

**(c) The other provisions of this chapter apply to filling a candidate vacancy under this section except if in conflict with this section. In case of a conflict, the provisions of this section apply.**





**(d) A candidate vacancy for an office shall be filled by a majority vote of a committee consisting of the county chairman of the political party of each of the counties that have territory in the election district.**

**(e) Notice of a meeting held under this section must be given in accordance with the rules of the political party having the candidate vacancy.**

**(f) Procedures of a meeting held under this section must conform to the rules of the political party having the candidate vacancy.**

**(g) A vacancy filled under this chapter must be filled not later than noon August 15.**

**(h) The certificate of candidate selection required by section 15 of this chapter shall be filed not later than noon three (3) days (excluding Saturdays and Sundays) after selection of the candidate.**

SECTION 30. IC 3-13-1-8, AS AMENDED BY P.L.225-2011, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. A meeting under section 7 **or 7.5** of this chapter shall be called and chaired by:

- (1) the state chairman, or a person designated by the state chairman, for a caucus or committee acting under section 3, 4, 5, or 6(b) of this chapter; or
- (2) the county chairman of the county in which the greatest percentage of the population of the election district is located, or an individual designated by the county chairman, for a caucus or committee acting under section 6(a) of this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1008 as introduced.)

SMITH M

Committee Vote: yeas 8, nays 4.



## HOUSE MOTION

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 20, delete lines 2 through 40.

Page 21, delete lines 34 through 37.

Page 21, line 38, delete "(e) Notice" and insert "(d) **Notwithstanding other provisions of this chapter, notice**".

Page 21, delete lines 41 through 42.

Page 22, delete line 1.

Page 22, line 2, delete "(g)" and insert "(e)".

Page 22, line 4, delete "(h)" and insert "(f)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed February 13, 2015.)

THOMPSON

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 COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1008, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 9, line 20, delete "P.L.76-2014," and insert "HEA 1138-2015, SECTION 193,".

Page 9, line 21, delete "SECTION 42,".

Page 9, line 23, delete "42 U.S.C. 15481" and insert "52 U.S.C. 21081".

Page 12, line 42, after "IC 3-11-2-8" delete ",".

Page 12, line 42, reset in roman "and".

Page 13, line 35, delete "P.L.164-2006," and insert "HEA 1138-2015, SECTION 194,".

Page 13, line 36, delete "SECTION 117,".

Page 13, line 38, delete "42 U.S.C. 15481" and insert "52 U.S.C. 21081".

Page 14, line 20, delete "42 U.S.C. 15481," and insert "52 U.S.C. 21081,".

Page 14, delete lines 32 through 42.

Delete page 15.

Page 16, delete lines 1 through 11.

Page 21, line 3, delete "P.L.225-2011," and insert "HEA 1139-2015,

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SECTION 22,".

Page 21, line 4, delete "SECTION 79,".

Page 21, line 5, after "section" insert "3, 4, 5, ~~or~~ 6,".

Page 21, line 5, strike "7".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1008 as reprinted February 17, 2015.)

WALKER, Chairperson

Committee Vote: Yeas 5, Nays 3.

