



Reprinted
April 14, 2015

ENGROSSED HOUSE BILL No. 1008

DIGEST OF HB 1008 (Updated April 13, 2015 3:52 pm - DI 102)

Citations Affected: IC 3-8; IC 3-10; IC 3-13; noncode.

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 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
(Continued next page)

Effective: Upon passage; July 1, 2015.

Ober, Richardson, Smith M, Dermody

(SENATE SPONSORS — WALKER, YOUNG R MICHAEL, DELPH)

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.

April 13, 2015, read second time, amended, ordered engrossed.

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Digest Continued

be filled and the name of the candidate may not be removed from the ballot. 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. Urges the legislative council to assign the topic of straight ticket voting to a study committee during the 2015 legislative interim.

EH 1008—LS 7436/DI 75



Reprinted
April 14, 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

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.

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

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

31 (2) within thirty (30) days after the occurrence of the vacancy, if
32 the vacancy exists on a special election ballot, subject to section
33 2 of this chapter.

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

37 (1) The death of a candidate.

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

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

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

41 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this
42 chapter for reasons permitted under this subsection must be taken



1 within thirty (30) days after the occurrence of the vacancy.

2 SECTION 7. IC 3-13-1-7.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2015]: **Sec. 7.5. (a) This section applies only to the filling of a
5 candidate vacancy:**

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

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

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

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

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

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

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

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

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

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

37 SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) As used in this
38 SECTION, "legislative council" refers to the legislative council
39 established by IC 2-5-1.1-1.**

40 **(b) As used in this SECTION, "study committee" means either
41 of the following:**

42 **(1) The interim study committee on elections established by**



1 **IC 2-5-1.3-4.**
2 **(2) An appropriate interim study committee as determined by**
3 **the legislative council.**
4 **(c) During the 2015 legislative interim, the legislative council is**
5 **urged to assign the topic of straight ticket voting to a study**
6 **committee.**
7 **(d) If the topic described in subsection (c) is assigned to a study**
8 **committee, the study committee shall issue a final report to the**
9 **legislative council containing the study committee's findings and**
10 **recommendations, including any recommended legislation**
11 **concerning the topic, in an electronic format under IC 5-14-6 not**
12 **later than November 1, 2015.**
13 **(e) This SECTION expires December 31, 2015.**
14 **SECTION 10. An emergency is declared for this act.**



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

 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.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 3, delete lines 26 through 42.

Delete pages 4 through 17.

Page 18, delete lines 1 through 21.

Page 19, after line 33, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) The interim study committee on elections established by IC 2-5-1.3-4.

(2) An appropriate interim study committee as determined by the legislative council.

(c) During the 2015 legislative interim, the legislative council is urged to assign the topic of straight ticket voting to a study committee.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not



later than November 1, 2015.

(e) This SECTION expires December 31, 2015.

SECTION 10. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1008 as printed March 31, 2015.)

WALKER

