



Reprinted
February 10, 2017

SENATE BILL No. 418

DIGEST OF SB 418 (Updated February 9, 2017 2:27 pm - DI 102)

Citations Affected: IC 3-6; IC 3-8; IC 3-10.

Synopsis: Ballot access. Changes the number of voters required to sign a petition of nomination for a ticket for President and Vice President of the United States, the office of United States Senator, or a ticket for governor and lieutenant governor of a minor political party or an independent candidate from at least the number of voters equal to 2% of the total vote cast at the election for secretary of state to at least 4,500 voters (500 from each congressional district). Reduces from 2% to 0.5% the minimum number of votes cast at the election for secretary of state required for certain purposes: (1) the number of voters required to sign a petition to allow a political action committee to appoint challengers, pollbook holders, and watchers for a public question submitted to the electorate; (2) the minimum number of votes received by a nominee of a political party to allow the party to conduct a state or county convention; and (3) the minimum number of voters required to sign a petition of nomination of a candidate of a minor political party or an independent candidate (other than a ticket for President and Vice President of the United States, the office of United States Senator, or a ticket for governor and lieutenant governor).

Effective: July 1, 2017.

Walker, Grooms

January 10, 2017, read first time and referred to Committee on Elections.
February 6, 2017, amended, reported favorably — Do Pass.
February 9, 2017, read second time, amended, ordered engrossed.

SB 418—LS 7378/DI 102



Reprinted
February 10, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 418

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

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

- 1 SECTION 1. IC 3-6-7-1, AS AMENDED BY P.L.230-2005,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1. (a) Each political party or independent
4 candidate may appoint challengers and pollbook holders for each
5 precinct in which the political party or independent candidate is on the
6 ballot.
7 (b) This subsection applies to a public question that is submitted to
8 the electorate. A county election board may appoint challengers and
9 pollbook holders if a petition requesting the appointment is filed with
10 the board. The petition must be signed by:
11 (1) the chairman of a political action committee organized under
12 IC 3-9 to support or oppose the approval of the public question;
13 and
14 (2) at least the number of voters equal to ~~two~~ **one-half of one**
15 percent (~~2%~~) **(0.5%)** of the votes cast in the last election for
16 secretary of state in the county.
17 (c) A challenger must be at least eighteen (18) years of age.

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1 (d) The county election board, county chairman, other local
2 chairman of the party, or independent candidate:

3 (1) must make the appointments in writing; and

4 (2) shall issue one (1) identification card for each person
5 appointed under this section.

6 (e) Each political party or independent candidate described in
7 subsection (a) or a political action committee described in subsection
8 (b) may have only one (1) challenger and one (1) pollbook holder
9 present at each precinct's polls at any time during election day. The
10 challenger and pollbook holder present at the polls must possess an
11 identification card issued under subsection (d).

12 (f) The identification card issued under subsection (d) must clearly
13 state the following:

14 (1) The status of the individual as an appointed challenger or
15 pollbook holder.

16 (2) The name of the individual serving as a challenger or pollbook
17 holder.

18 (3) The name of the person who appointed the individual as a
19 challenger or pollbook holder, and whether the person is a
20 political party, an independent candidate, or a county election
21 board.

22 (4) If the challenger or pollbook holder has been appointed by a
23 political party, the name of the political party.

24 SECTION 2. IC 3-6-8-1, AS AMENDED BY P.L.194-2013,
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2017]: Sec. 1. (a) The state chairman and county chairman of
27 each bona fide political party or an independent candidate for a federal
28 or a state office are entitled to appoint watchers at each precinct in
29 which the political party or independent candidate is on the ballot.

30 (b) This subsection applies to a public question that is submitted to
31 the electorate. A county election board may appoint watchers if a
32 petition requesting the appointment is filed with the board. The petition
33 must be signed by:

34 (1) the chairman of a political action committee organized under
35 IC 3-9 to support or oppose the approval of the public question;
36 and

37 (2) at least the number of voters equal to ~~two~~ **one-half of one**
38 **percent (~~2%~~) (0.5%)** of the votes cast in the last election for
39 secretary of state in the county.

40 (c) Except as provided in subsection (d), at any time during election
41 day, each political action committee, each political party, or an
42 independent candidate for a federal or a state office may have only one



1 (1) watcher present at each precinct's polls.

2 (d) If both the state chairman and the county chairman of a political
3 party have appointed watchers within the county, the political party
4 may have two (2) watchers present at the polls of each precinct of the
5 county at any time during election day.

6 SECTION 3. IC 3-8-4-1 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2017]: Sec. 1. This chapter applies to each
8 political party in the state whose nominee received at least ~~two~~
9 **one-half of one percent (2%) (0.5%)** of the total vote cast for secretary
10 of state at the last election.

11 SECTION 4. IC 3-8-4-10 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) This section applies to a
13 political party whose nominee received at least ~~two~~ **one-half of one**
14 **percent (2%) (0.5%)** but less than ten percent (10%) of the votes cast
15 for secretary of state at the last election for that office.

16 (b) A political party subject to this section shall also nominate the
17 party's candidates for the following offices at the state convention of
18 the party:

- 19 (1) United States Senator.
- 20 (2) United States Representative.
- 21 (3) Governor.
- 22 (4) Legislative office.
- 23 (5) A local office listed in IC 3-8-2-5.

24 SECTION 5. IC 3-8-6-3 IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2017]: Sec. 3. **(a) This section does not apply**
26 **to a ticket for nomination to the office of President and Vice**
27 **President of the United States, the office of United States Senator,**
28 **or a ticket for governor and lieutenant governor.**

29 ~~(a)~~ **(b)** A petition of nomination must be signed by the number of
30 voters equal to ~~two~~ **one-half of one percent (2%) (0.5%)** of the total
31 vote cast at the last election for secretary of state in the election district
32 that the candidate seeks to represent.

33 ~~(b)~~ **(c)** In determining the number of signatures required under this
34 section, any fraction in excess of a whole number must be disregarded.

35 SECTION 6. IC 3-8-6-3.2 IS ADDED TO THE INDIANA CODE
36 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
37 1, 2017]: Sec. 3.2. **(a) This section applies to a ticket for nomination**
38 **to the office of President and Vice President of the United States,**
39 **the office of United States Senator, or a ticket for governor and**
40 **lieutenant governor.**

41 **(b) A petition of nomination must be signed by at least four**
42 **thousand five hundred (4,500) voters of Indiana, including at least**



1 **five hundred (500) voters from each congressional district.**

2 **(c) This subsection applies to a petition of nomination filed**
 3 **during the period:**

4 **(1) beginning on the date that a congressional district plan has**
 5 **been adopted under IC 3-3; and**

6 **(2) ending on the date that the part of the act or order issued**
 7 **under IC 3-3-2 establishing the previous congressional district**
 8 **plan is repealed or superseded.**

9 **The petition must be signed by at least four thousand five hundred**
 10 **(4,500) voters of Indiana, including at least five hundred (500)**
 11 **voters from each congressional district created by the most recent**
 12 **congressional district plan adopted under IC 3-3.**

13 SECTION 7. IC 3-8-7-25, AS AMENDED BY P.L.169-2015,
 14 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2017]: Sec. 25. Each county election board shall have printed
 16 on the respective general, special, or municipal election ballots the
 17 names of the following candidates:

18 (1) Nominees chosen at a primary election under IC 3-10 and
 19 certified as required by this chapter.

20 (2) Nominees chosen by a convention of a political party in the
 21 state whose candidate received at least ~~two~~ **one-half of one**
 22 **percent (~~2%~~) (0.5%)** of the total vote cast for secretary of state at
 23 the last election and certified under section 8 of this chapter.

24 (3) Nominees nominated by petition under IC 3-8-6.

25 (4) Nominees selected to fill a candidate vacancy under IC 3-13-1
 26 or IC 3-13-2.

27 SECTION 8. IC 3-10-2-15 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. (a) This section
 29 applies to a political party whose nominee received at least ~~two~~
 30 **one-half of one percent (~~2%~~) (0.5%)** but less than ten percent (10%)
 31 of the votes cast for secretary of state at the last election for that office.

32 (b) This section applies only to a local office that is:

33 (1) not listed in IC 3-8-2-5; and

34 (2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

35 (c) A political party subject to this section shall nominate the party's
 36 candidate for a local office at a county convention of the party
 37 conducted not later than noon on the date specified by
 38 IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate
 39 vacancy.

40 (d) The chairman and secretary of the convention shall execute a
 41 certificate of nomination in writing, setting out the following:

42 (1) The name of each nominee as:

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- 1 (A) the nominee wants the nominee's name to appear on the
 2 ballot; and
 3 (B) the nominee's name is permitted to appear on the ballot
 4 under IC 3-5-7.
- 5 (2) The residence address of each nominee.
 6 (3) The office for which each nominee was nominated.
 7 (4) That each nominee is legally qualified to hold office.
 8 (5) The political party device or emblem by which the ticket will
 9 be designated on the ballot.
- 10 Both the chairman and secretary shall acknowledge the certificate
 11 before an officer authorized to take acknowledgment of deeds.
- 12 (e) Each candidate nominated under this section shall execute a
 13 consent to the nomination in the same form as a candidate nominated
 14 by petition under IC 3-8-6.
- 15 (f) The certificate required by subsection (d) and the consent
 16 required by subsection (e) must be filed with the circuit court clerk of
 17 the county containing the greatest percentage of population of the
 18 election district for which the candidate has been nominated by the
 19 convention not later than noon on the date specified by IC 3-13-1-15(c)
 20 for a major political party to file a certificate of candidate selection.
- 21 (g) A candidate's consent to the nomination must include a
 22 statement that the candidate requests the name on the candidate's voter
 23 registration record be the same as the name the candidate uses on the
 24 consent to the nomination. If there is a difference between the name on
 25 the candidate's consent to the nomination and the name on the
 26 candidate's voter registration record, the officer with whom the consent
 27 to the nomination is filed shall forward the information to the voter
 28 registration officer of the appropriate county. The voter registration
 29 officer of the appropriate county shall change the name on the
 30 candidate's voter registration record to be the same as the name on the
 31 candidate's consent to the nomination.
- 32 (h) A question concerning the validity of a candidate's nomination
 33 under this section shall be determined by a county election board in
 34 accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).
- 35 (i) A nominee who wants to withdraw must file a notice of
 36 withdrawal in accordance with IC 3-8-7-28.



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 418, 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 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-6-7-1, AS AMENDED BY P.L.230-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Each political party or independent candidate may appoint challengers and pollbook holders for each precinct in which the political party or independent candidate is on the ballot.

(b) This subsection applies to a public question that is submitted to the electorate. A county election board may appoint challengers and pollbook holders if a petition requesting the appointment is filed with the board. The petition must be signed by:

(1) the chairman of a political action committee organized under IC 3-9 to support or oppose the approval of the public question; and

(2) at least the number of voters equal to ~~two~~ **one-half of one percent (~~2%~~) (0.5%)** of the votes cast in the last election for secretary of state in the county.

(c) A challenger must be at least eighteen (18) years of age.

(d) The county election board, county chairman, other local chairman of the party, or independent candidate:

(1) must make the appointments in writing; and

(2) shall issue one (1) identification card for each person appointed under this section.

(e) Each political party or independent candidate described in subsection (a) or a political action committee described in subsection (b) may have only one (1) challenger and one (1) pollbook holder present at each precinct's polls at any time during election day. The challenger and pollbook holder present at the polls must possess an identification card issued under subsection (d).

(f) The identification card issued under subsection (d) must clearly state the following:

(1) The status of the individual as an appointed challenger or pollbook holder.

(2) The name of the individual serving as a challenger or pollbook holder.

(3) The name of the person who appointed the individual as a



challenger or pollbook holder, and whether the person is a political party, an independent candidate, or a county election board.

(4) If the challenger or pollbook holder has been appointed by a political party, the name of the political party.

SECTION 2. IC 3-6-8-1, AS AMENDED BY P.L.194-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The state chairman and county chairman of each bona fide political party or an independent candidate for a federal or a state office are entitled to appoint watchers at each precinct in which the political party or independent candidate is on the ballot.

(b) This subsection applies to a public question that is submitted to the electorate. A county election board may appoint watchers if a petition requesting the appointment is filed with the board. The petition must be signed by:

(1) the chairman of a political action committee organized under IC 3-9 to support or oppose the approval of the public question; and

(2) at least the number of voters equal to ~~two~~ **one-half of one** percent (~~2%~~) (**0.5%**) of the votes cast in the last election for secretary of state in the county.

(c) Except as provided in subsection (d), at any time during election day, each political action committee, each political party, or an independent candidate for a federal or a state office may have only one (1) watcher present at each precinct's polls.

(d) If both the state chairman and the county chairman of a political party have appointed watchers within the county, the political party may have two (2) watchers present at the polls of each precinct of the county at any time during election day."

Delete page 2.

Page 3, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 3. IC 3-8-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. This chapter applies to each political party in the state whose nominee received at least ~~two~~ **one-half of one** percent (~~2%~~) (**0.5%**) of the total vote cast for secretary of state at the last election.

SECTION 4. IC 3-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) This section applies to a political party whose nominee received at least ~~two~~ **one-half of one** percent (~~2%~~) (**0.5%**) but less than ten percent (10%) of the votes cast for secretary of state at the last election for that office.

(b) A political party subject to this section shall also nominate the



party's candidates for the following offices at the state convention of the party:

- (1) United States Senator.
- (2) United States Representative.
- (3) Governor.
- (4) Legislative office.
- (5) A local office listed in IC 3-8-2-5."

Page 3, line 13, strike "two" and insert "**one-half of one**".

Page 3, line 13, strike "(2%)" and insert "**(0.5%)**".

Page 3, line 23, delete "nine" and insert "**four**".

Page 3, line 24, delete "(9,000)" and insert "**five hundred (4,500)**".

Page 3, line 24, delete "one thousand" and insert "**five hundred**".

Page 3, line 25, delete "(1,000)" and insert "**(500)**".

Page 3, line 33, delete "nine thousand (9,000)" and insert "**four thousand five hundred (4,500)**".

Page 3, line 34, delete "one thousand (1,000)" and insert "**five hundred (500)**".

Page 3, after line 36, begin a new paragraph and insert:

"SECTION 7. IC 3-8-7-25, AS AMENDED BY P.L.169-2015, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 25. Each county election board shall have printed on the respective general, special, or municipal election ballots the names of the following candidates:

- (1) Nominees chosen at a primary election under IC 3-10 and certified as required by this chapter.
- (2) Nominees chosen by a convention of a political party in the state whose candidate received at least ~~two~~ **one-half of one** percent (~~2%~~) **(0.5%)** of the total vote cast for secretary of state at the last election and certified under section 8 of this chapter.
- (3) Nominees nominated by petition under IC 3-8-6.
- (4) Nominees selected to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2.

SECTION 8. IC 3-10-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. (a) This section applies to a political party whose nominee received at least ~~two~~ **one-half of one** percent (~~2%~~) **(0.5%)** but less than ten percent (10%) of the votes cast for secretary of state at the last election for that office.

(b) This section applies only to a local office that is:

- (1) not listed in IC 3-8-2-5; and
- (2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

(c) A political party subject to this section shall nominate the party's candidate for a local office at a county convention of the party



conducted not later than noon on the date specified by IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate vacancy.

(d) The chairman and secretary of the convention shall execute a certificate of nomination in writing, setting out the following:

- (1) The name of each nominee as:
 - (A) the nominee wants the nominee's name to appear on the ballot; and
 - (B) the nominee's name is permitted to appear on the ballot under IC 3-5-7.
- (2) The residence address of each nominee.
- (3) The office for which each nominee was nominated.
- (4) That each nominee is legally qualified to hold office.
- (5) The political party device or emblem by which the ticket will be designated on the ballot.

Both the chairman and secretary shall acknowledge the certificate before an officer authorized to take acknowledgment of deeds.

(e) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6.

(f) The certificate required by subsection (d) and the consent required by subsection (e) must be filed with the circuit court clerk of the county containing the greatest percentage of population of the election district for which the candidate has been nominated by the convention not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

(g) A candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.

(h) A question concerning the validity of a candidate's nomination under this section shall be determined by a county election board in accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).



(i) A nominee who wants to withdraw must file a notice of withdrawal in accordance with IC 3-8-7-28."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 418 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 5, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 418 be amended to read as follows:

Page 3, line 26, delete "candidate" and insert "**ticket**".

Page 3, line 26, after "President" insert "**and Vice President**".

Page 3, line 27, after "or" delete "the office of" and insert "**a ticket for**".

Page 3, line 28, delete "." and insert "**and lieutenant governor.**".

Page 3, line 37, delete "candidate" and insert "**ticket**".

Page 3, line 38, after "President" insert "**and Vice President**".

Page 3, line 39, delete "the office of" and insert "**a ticket for**".

Page 3, line 39, delete "." and insert "**and lieutenant governor.**".

(Reference is to SB 418 as printed February 7, 2017.)

WALKER

