

HOUSE BILL No. 1318

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-16.3; IC 3-6-6-39; IC 3-7; IC 3-8; IC 3-10-1-14.1; IC 3-11; IC 3-11.5-4; IC 3-12; IC 20-46-1-14; IC 36-4-1.5-2; IC 36-5-1-8.

Synopsis: Various election law matters. Adds a definition of "de minimis change" for voting systems, and creates a process for the review and approval of these changes for voting systems used in Indiana. Specifies how a voter can cast a ballot using a "sip puff device" on a voting system that combines features of both an optical scan ballot and a direct record electronic voting system. Transfers dates regarding the late registration of military and overseas voters. Permits the Indiana election division or a county election board to use electronic mail to forward a filing confirmation to a candidate who provides an electronic mail address declaration of candidacy. Specifies declaration of candidacy requirements for school board candidates and economic interest statement requirements for candidates to fill a vacancy in a school board office. Provides that a candidate for a local judicial office is not required to file a statement of economic interests. Makes changes regarding the content of the certificate of nomination prepared to document the nomination of candidates by certain conventions conducted by a political party entitled to nominate candidates by convention. Specifies requirements and procedures for a petitioner requesting a recount of a vote on a public question. Amends the schedule for conducting a special election on the public question of changing a town to a city or the incorporation of a proposed town. Adds the office of secretary of state and the office of census data to the list of state and county entities to be notified of the incorporation of a town. Adds and corrects cross-references. Eliminates the term "paster" in an election statute. Repeals obsolete provisions concerning certificates of error and the delivery of voter registration applications by certified mail.

Effective: Upon passage; January 8, 2014 (retroactive); July 1, 2014.

Richardson

January 15, 2014, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1318

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

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

- 1 SECTION 1. IC 3-5-2-16.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
3 **UPON PASSAGE]: Sec. 16.3. (a) "De minimis change" with respect**
4 **to a certified voting system's hardware, refers to a change to the**
5 **hardware, the nature of which will not materially alter the system's**
6 **reliability, functionality, capability, or operation.**
7 **(b) For a hardware change to qualify as a de minimis change,**
8 **the change must:**
9 **(1) maintain, unaltered, the reliability, functionality,**
10 **capability, and operability of a system; and**
11 **(2) ensure that when hardware is replaced, the original**
12 **hardware and the replacement hardware are electronically**
13 **and mechanically interchangeable and have identical**
14 **functionality and tolerances.**
15 **(c) The following are not de minimis changes:**
16 **(1) Software and firmware modifications.**



1 **(2) The change has reasonable and identifiable potential to**
 2 **affect the system's operation and compliance with applicable**
 3 **voting system standards.**

4 SECTION 2. IC 3-6-6-39, AS AMENDED BY P.L.194-2013,
 5 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2014]: Sec. 39. (a) The county election board by unanimous
 7 vote of the entire membership of the board may permit an individual
 8 who is not a voter to serve as any precinct election officer (other than
 9 inspector), or to assist a precinct election officer, if the individual
 10 satisfies all the following:

11 (1) The individual is at least sixteen (16) years of age but not
 12 eighteen (18) years of age or older.

13 (2) The individual is a citizen of the United States.

14 (3) The individual is a resident of the county.

15 (4) The individual has a cumulative grade point average
 16 equivalent to not less than 3.0 on a 4.0 scale.

17 (5) The individual has the written approval of the principal of the
 18 school the individual attends at the time of the appointment or, if
 19 the student is educated in the home, the approval of the individual
 20 responsible for the education of the student.

21 (6) The individual has the approval of the individual's parent or
 22 legal guardian.

23 (7) The individual has satisfactorily completed any training
 24 required by the county election board.

25 (8) The individual otherwise is eligible to serve as a precinct
 26 election officer under this chapter but is not required to be a
 27 registered voter of the county.

28 (b) An individual appointed to a precinct election office or assistant
 29 under this section,

30 ~~(1) must serve in a nonpartisan manner in accordance with the~~
 31 ~~standards developed by the Help America Vote Foundation under~~
 32 ~~36 U.S.C. 152602; and~~

33 ~~(2) while serving as a precinct election officer or assistant:~~

34 ~~(A) (1) is not required to obtain an employment certificate under~~
 35 ~~IC 20-33-3; and~~

36 ~~(B) (2) is not subject to the limitations on time and duration of~~
 37 ~~employment under IC 20-33-3.~~

38 SECTION 3. IC 3-7-16-29 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. A designated
 40 individual may use any of the following methods to transmit voter
 41 registration applications or declinations under section 27 or 28 of this
 42 chapter:



- 1 (1) Hand delivery to the circuit court clerk or board of
 2 registration.
- 3 (2) ~~Certified Delivery by the United States Postal Service,~~
 4 ~~using first class mail. return receipt requested.~~
- 5 (3) Electronic transfer, after approval by the commission.
- 6 SECTION 4. IC 3-7-18-21, AS AMENDED BY P.L.42-2011,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 21. A designated individual may use any of
 9 the following methods to transmit voter registration applications or
 10 declinations under section 19 of this chapter:
- 11 (1) Hand delivery to the ~~circuit court clerk or board of county~~
 12 ~~voter registration office.~~
- 13 (2) ~~Certified Delivery by the United States Postal Service,~~
 14 ~~using first class mail. return receipt requested.~~
- 15 (3) Electronic transfer, after approval by the commission.
- 16 SECTION 5. IC 3-7-36-10, AS AMENDED BY P.L.225-2011,
 17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 10. (a) The county voter registration office
 19 shall process an absentee registration affidavit or form received from
 20 a voter described in section 1 of this chapter during the registration
 21 period or during the period beginning on the twenty-ninth day before
 22 the election and ending on the ~~tenth~~ **eighth** day before the election.
- 23 (b) A properly completed voter registration application described in
 24 this section is subject to the same requirements that are applicable to
 25 a properly completed voter registration application from a voter
 26 described in section 1 of this chapter during the period ending on the
 27 twenty-ninth day before the election.
- 28 SECTION 6. IC 3-7-36-14, AS AMENDED BY P.L.219-2013,
 29 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 14. (a) This section applies to a person
 31 described in subsection (b) who applies to register to vote during the
 32 period:
- 33 (1) beginning on the ~~ninth~~ **seventh** day before election day; and
 34 (2) ending at noon election day.
- 35 (b) An absent uniformed services voter who is absent from Indiana
 36 during the registration period applicable to the voter under this chapter
 37 and who otherwise would be entitled to register to vote under Indiana
 38 law may, upon returning to Indiana during the period described in
 39 subsection (a) following discharge from service or reassignment,
 40 register to vote by doing the following:
- 41 (1) Showing either of the following to the county voter
 42 registration office:



- 1 (A) A discharge from service, dated not earlier than the
 2 beginning of the registration period that ended on the ~~tenth~~
 3 **eighth** day before election day, of:
- 4 (i) the voter;
 - 5 (ii) the voter's spouse; or
 - 6 (iii) the individual of whom the voter is a dependent.
- 7 (B) A copy of the government movement orders, with a
 8 reporting date not earlier than the beginning of the registration
 9 period that ended on the ~~tenth~~ **eighth** day before election day,
 10 of:
- 11 (i) the voter;
 - 12 (ii) the voter's spouse; or
 - 13 (iii) the individual of whom the voter is a dependent.
- 14 (2) Completing a registration affidavit.
- 15 (c) A voter who registers under this section may vote at the
 16 upcoming election only by absentee ballot at the office of the circuit
 17 court clerk at the time the voter registers under this section or at any
 18 time after the voter registers under this section and before noon on
 19 election day. A voter who wants to vote under this subsection must do
 20 both of the following:
- 21 (1) Complete an application for an absentee ballot.
 - 22 (2) Sign an affidavit that the voter has not voted at any other
 23 precinct in the election.
- 24 The voter may vote at subsequent elections as otherwise provided in
 25 this title.
- 26 (d) If the voter votes by absentee ballot under this section, the
 27 circuit court clerk shall do the following:
- 28 (1) Certify in writing that the voter registered under this section.
 - 29 (2) Attach the certification to the voter's absentee ballot envelope.
- 30 (e) If the county has a board of registration, the board of registration
 31 shall promptly deliver the voter's registration affidavit to the circuit
 32 court clerk to permit the voter to vote under subsection (c).
- 33 (f) If the voter chooses not to vote under subsection (c), the county
 34 voter registration office shall register the voter on the first day of the
 35 next registration period.
- 36 SECTION 7. IC 3-7-40-8 IS ADDED TO THE INDIANA CODE
 37 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
 38 UPON PASSAGE]: **Sec. 8. When notified by a local public official**
 39 **or plan commission under section 3 of this chapter, the county**
 40 **voter registration office shall, as soon as practicable, amend the**
 41 **entry for the voter in the computerized list under IC 3-7-26.3 to be**
 42 **consistent with the information submitted under section 3 of this**



- 1 **chapter.**
 2 SECTION 8. IC 3-7-48-4 IS REPEALED [EFFECTIVE JULY 1,
 3 2014]. ~~Sec. 4. In a county with a board of registration, the circuit court~~
 4 ~~clerk or board of registration shall promptly transmit all certificates of~~
 5 ~~error to the board of registration.~~
- 6 SECTION 9. IC 3-8-2-12 IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2014]: Sec. 12. **(a) Not more later than the**
 8 **close of one (1) business day** after a person files a declaration of
 9 candidacy in the office of the election division or circuit court clerk, the
 10 election division or circuit court clerk shall **send a statement to the**
 11 **candidate by:**
- 12 (1) ~~hand deliver delivery;~~
 - 13 (2) **first class United States mail; or**
 - 14 (3) **electronic mail;**
- 15 to the candidate (or mail to the candidate at the address listed in the
 16 declaration) a statement showing
- 17 (b) **The election division or circuit court clerk shall send the**
 18 **statement (or a scanned copy of the statement, if the statement is**
 19 **sent by electronic mail) to the mailing address or electronic mail**
 20 **address set forth in the declaration of candidacy.**
 - 21 (c) **The statement must show** the following:
 - 22 (1) That the candidate has filed a declaration.
 - 23 (2) The name of the candidate.
 - 24 (3) The office for which the ~~declarant individual~~ is a candidate.
 - 25 (4) The date on which the declaration was filed.
- 26 SECTION 10. IC 3-8-2.5-2, AS AMENDED BY P.L.194-2013,
 27 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 2. (a) A candidate for a school board office
 29 must file a petition of nomination in accordance with ~~IC 3-8-6~~ **this**
 30 **chapter** and as required under IC 20-23 or IC 20-25. The petition of
 31 nomination, once filed, serves as the candidate's declaration of
 32 candidacy for a school board office.
- 33 (b) A candidate may be nominated for a school board office by
 34 petition of voters who are:
 - 35 (1) registered to vote at the residence address set forth on the
 36 petition on the date ~~the county voter registration office certifies~~
 37 **the petition is certified** under ~~section 5~~ of this chapter; and
 - 38 (2) qualified to vote for the candidate.
 - 39 (c) The petition of nomination must be signed by the number of
 40 voters required for the school board office under IC 20-23 or IC 20-25.
 - 41 (d) Except as provided in this subsection, the signature, printed
 42 name, and residence address of the petitioner must be made in writing



1 by the petitioner. If a petitioner with a disability is unable to write this
 2 information on the petition, the petitioner may authorize an individual
 3 to do so on the petitioner's behalf. The individual acting under this
 4 subsection shall execute an affidavit of assistance for each such
 5 petitioner, in a form prescribed by the commission. The form must set
 6 forth the name and address of the individual providing assistance, and
 7 the date the individual provided the assistance. The form must be
 8 submitted with the petition.

9 SECTION 11. IC 3-8-2.5-2.5, AS ADDED BY P.L.194-2013,
 10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 2.5. (a) A petition of nomination for a school
 12 board office must state all of the following:

13 (1) The name of each candidate as:

14 (A) the candidate wants the candidate's name to appear on the
 15 ballot; and

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

18 (2) The address of each candidate, including the mailing address,
 19 if different from the residence address of the candidate.

20 (3) The school board office that each candidate seeks.

21 (4) That each petitioner is a qualified registered voter and desires
 22 to be able to vote for the candidates listed on the petition.

23 (b) The petition of nomination must be accompanied by the
 24 following:

25 (1) The candidate's written consent to become a candidate.

26 (2) A statement that the candidate:

27 (A) is aware of the provisions of IC 3-9 regarding campaign
 28 finance and the reporting of campaign contributions and
 29 expenditures; and

30 (B) agrees to comply with the provisions of IC 3-9 referred to
 31 in clause (A).

32 The candidate must separately sign the statement required by this
 33 subdivision.

34 (3) A statement by the candidate that the candidate is aware of the
 35 requirement to file a campaign finance statement of organization
 36 under IC 3-9 after the first of either of the following occurs:

37 (A) The candidate receives more than five hundred dollars
 38 (\$500) in contributions.

39 (B) The candidate makes more than five hundred dollars
 40 (\$500) in expenditures.

41 (4) A statement indicating whether or not each candidate:

42 (A) has been a candidate for state, legislative, local, or school



- 1 board office in a previous primary, **municipal, special,** or
 2 general election; and
 3 (B) has filed all reports required by IC 3-9-5-10 for all
 4 previous candidacies.
 5 (5) A statement that each candidate is legally qualified to hold the
 6 office that the candidate seeks, including any applicable residency
 7 requirements and restrictions on service due to a criminal
 8 conviction.
 9 (6) Any statement of economic interests required under IC 3-8-9.
 10 SECTION 12. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~Either the chairman and~~
 12 ~~secretary of a state convention or~~ **This section applies to a state**
 13 **convention conducted by a political party described by IC 3-8-4-1.**
 14 (b) The state chairman and state secretary of the political party
 15 holding the state convention shall certify each candidate nominated at
 16 the convention to the secretary of state not later than noon July 15
 17 before the general election.
 18 ~~(b)~~ (c) The certificate must **be in writing and** state the following:
 19 (1) **The name of each candidate nominated as:**
 20 (A) **the candidate wants the candidate's name to appear on**
 21 **the ballot; and**
 22 (B) **the candidate's name is permitted to appear on the**
 23 **ballot under IC 3-5-7.**
 24 (2) **Each candidate's residence address.**
 25 ~~(+)~~ (3) Whether each candidate nominated by the convention has
 26 complied with IC 3-9-1-5 by filing a campaign finance statement
 27 of organization.
 28 ~~(2)~~ (4) That the candidate:
 29 (A) is aware of the provisions of IC 3-9 regarding campaign
 30 finance and the reporting of campaign contributions and
 31 expenditures; and
 32 (B) agrees to comply with the provisions of IC 3-9.
 33 The candidate must separately sign the statement required by this
 34 subdivision.
 35 ~~(e)~~ (d) The commission shall prescribe the form of the certificate of
 36 nomination for the offices. The commission shall provide that the form
 37 of the certificate of nomination include the following information near
 38 the separate signature required by subsection (b)(2):
 39 (1) The dates for filing campaign finance reports under IC 3-9.
 40 (2) The penalties for late filing of campaign finance reports under
 41 IC 3-9.
 42 ~~(d)~~ (e) A certificate of nomination must include a statement that the



1 candidate requests the name on the candidate's voter registration record
 2 be the same as the name the candidate uses on the certificate of
 3 nomination. If there is a difference between the name on the candidate's
 4 certificate of nomination and the name on the candidate's voter
 5 registration record, the officer with whom the certificate of nomination
 6 is filed shall forward the information to the voter registration officer of
 7 the appropriate county as required by IC 3-5-7-6(e). The voter
 8 registration officer of the appropriate county shall change the name on
 9 the candidate's voter registration record to be the same as the name on
 10 the candidate's certificate of nomination.

11 **(f) The certificate of nomination must be signed by the state**
 12 **chairman and state secretary of the political party holding the**
 13 **convention, and set forth the name and residence of the chairman**
 14 **and secretary. The chairman and secretary shall acknowledge the**
 15 **certificate before an individual authorized to administer oaths**
 16 **under IC 33-42-4-1. The signed acknowledgment must be included**
 17 **in the certificate of nomination executed under this section.**

18 SECTION 13. IC 3-8-7-10 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) This**
 20 **section applies to a county, city, or town convention conducted by**
 21 **a political party described by IC 3-8-4-1.**

22 **(b) A certificate of nomination by convention or primary election**
 23 **must satisfy all of the following:**

24 (1) Be in writing.

25 (2) Contain all of the following information for each person
 26 nominated:

27 (A) The name of each person nominated as:

28 (i) the person wants the person's name to appear on the
 29 ballot; and

30 (ii) the person's name is permitted to appear on the ballot
 31 under IC 3-5-7.

32 (B) Each person's residence address.

33 (C) The office for which each person is nominated.

34 (3) ~~Designate a title for the political party or principle that the~~
 35 ~~convention or primary election represents; together with a simple~~
 36 ~~figure or device by which its lists of candidates may be designated~~
 37 ~~on the ballot.~~

38 ~~(4) (3) Be signed by the chairman and secretary of the convention;~~
 39 ~~or by the chairman and secretary of the state, county, city, or town~~
 40 ~~committee, who shall also give their respective places of~~
 41 ~~residence and acknowledge the certificate before an officer~~
 42 ~~authorized to take acknowledgments of deeds. The certificate of~~



1 acknowledgment must be appended to the certificate of
 2 nomination: **an individual authorized to administer oaths**
 3 **under IC 33-42-4-1. The signed acknowledgment must be**
 4 **included in the certificate of nomination executed under this**
 5 **section.**

6 SECTION 14. IC 3-8-9-4, AS ADDED BY P.L.90-2012, SECTION
 7 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY
 8 8, 2014 (RETROACTIVE)]: Sec. 4. **(a) This section does not apply**
 9 **to a candidate for either of the following:**

10 **(1) Judge of a circuit, superior, probate, or small claims court.**

11 **(2) Prosecuting attorney of a judicial circuit.**

12 **(b)** A candidate for a local office or school board office shall file a
 13 written statement of economic interests as provided in this chapter.

14 SECTION 15. IC 3-8-9-5, AS AMENDED BY P.L.194-2013,
 15 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 5. An individual required to file a statement
 17 under section 4 of this chapter shall file the statement as follows:

18 (1) With the individual's:

19 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;

20 (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6;

21 (C) certificate of nomination under IC 3-10-2-15 or
 22 IC 3-10-6-12;

23 (D) statement consenting to be a replacement candidate under
 24 IC 3-8-6-17;

25 (E) declaration of intent to be a write-in candidate under
 26 IC 3-8-2-2.5; or

27 (F) certificate of candidate selection under IC 3-13-1 or
 28 IC 3-13-2.

29 (2) When the individual assumes a vacant elected office under
 30 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, ~~or~~ IC 3-13-11, **or**
 31 **IC 20-23-4-30.** A statement filed under this subdivision must be
 32 filed not later than noon sixty (60) days after the individual
 33 assumes the elected office.

34 SECTION 16. IC 3-10-1-14.1, AS AMENDED BY P.L.194-2013,
 35 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 14.1. (a) All the candidates for each office
 37 who have qualified in the manner prescribed by IC 3-8 for placement
 38 on the primary election ballot shall be grouped together under the name
 39 of the office and printed in type with uniform capital letters, with
 40 uniform space between each name. At the head of each group, a
 41 statement reading substantially as follows must be placed immediately
 42 below the name of the office and above the name of the first candidate:



1 "Vote for not more than (insert the number of candidates to be
2 nominated) candidates for this office."

3 ~~(b) This subsection does not apply to a candidate for a political party~~
4 ~~office. A candidate's given name and surname as set forth in the~~
5 ~~candidate's voter registration record shall be printed in full.~~

6 ~~(c) (b)~~ In addition to the candidate's given name and surname, the
7 candidate may use:

8 (1) initials; or

9 (2) a nickname by which the candidate is commonly known;

10 if the candidate's choice of initials or nickname does not exceed twenty
11 (20) characters. Any nickname used must appear in parentheses
12 between the candidate's given name and the candidate's surname.

13 ~~(d) (c)~~ A candidate may not use a designation such as a title or
14 degree or a nickname that implies a title or degree.

15 ~~(e) (d)~~ A candidate's name must be printed on the ballot exactly as
16 the name appears on the candidate's certificate of nomination, petition
17 of nomination, or declaration of candidacy.

18 SECTION 17. IC 3-11-7-15, AS AMENDED BY P.L.221-2005,
19 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2014]: Sec. 15. (a) A vendor may apply for approval of a
21 proposed improvement or change to a ballot card voting system that is
22 currently certified by the commission. A proposed improvement or
23 change may not be marketed, sold, leased, installed, or implemented in
24 Indiana before the application for the improvement or change is
25 approved by the commission.

26 (b) An application for approval of an improvement or change must
27 be in the form prescribed by the commission.

28 (c) **Except for a de minimis change identified as provided in**
29 **subsection (d)**, the vendor applying for approval of an improvement or
30 a change must have the improvement or change to the voting system
31 tested by an independent laboratory accredited under 42 U.S.C. 15371.
32 The vendor shall pay any testing expenses incurred under this
33 subsection.

34 (d) The election division (or the person designated under
35 IC 3-11-16) shall review the proposed improvement or change to the
36 voting system and report the results of the review to the commission.
37 The review must indicate **whether the proposed improvement or**
38 **change:**

39 (1) ~~whether the proposed improvement or change~~ has been
40 approved by an independent laboratory accredited under 42
41 U.S.C. 15371; ~~and~~

42 (2) ~~whether the proposed improvement or is a de minimis change~~



1 **that may be installed and implemented without any significant**
 2 **likelihood that the voting system would be configured or**
 3 **perform its functions in violation of HAVA or this title; and**
 4 **(3)** would comply with HAVA and the standards set forth in this
 5 chapter and IC 3-11-15.

6 (e) After the commission has approved the application for an
 7 improvement or change (**including a de minimis change**) to a ballot
 8 card voting system, the improvement or change may be marketed, sold,
 9 leased, installed, or implemented in Indiana.

10 (f) An approval of an application under this section expires on the
 11 date specified under section 19(a) of this chapter.

12 SECTION 18. IC 3-11-7.5-5, AS AMENDED BY P.L.221-2005,
 13 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 5. (a) A vendor may apply for approval of a
 15 proposed improvement or change to an electronic voting system that is
 16 currently certified by the commission. A proposed improvement or
 17 change may not be marketed, sold, leased, installed, or implemented in
 18 Indiana before the application for the improvement or change is
 19 approved by the commission.

20 (b) An application for approval of an improvement or a change must
 21 be in the form prescribed by the commission.

22 (c) **Except for a de minimis change identified as provided in**
 23 **subsection (d)**, the vendor applying for approval of an improvement or
 24 a change must have the improvement or change to the voting system
 25 tested by an independent laboratory accredited under 42 U.S.C. 15371.
 26 The vendor shall pay any testing expenses incurred under this
 27 subsection.

28 (d) The election division (or the person designated under
 29 IC 3-11-16) shall review the improvement or change to the voting
 30 system and report the results of the review to the commission. The
 31 review must indicate **whether the proposed improvement or change:**

32 (1) ~~whether the proposed improvement or change~~ has been
 33 approved by an independent laboratory accredited under 42
 34 U.S.C. 15371; ~~and~~

35 (2) ~~whether the proposed improvement or is a de minimis change~~
 36 **that may be installed and implemented without any significant**
 37 **likelihood that the voting system would be configured or**
 38 **perform its functions in violation of HAVA or this title; and**
 39 **(3)** would comply with HAVA and the standards set forth in this
 40 chapter and IC 3-11-15.

41 (e) After the commission has examined and approved the
 42 application for an improvement or change to an electronic voting



1 system (**including a de minimis change**), the improvement or change
2 may be marketed, sold, leased, installed, or implemented in Indiana.

3 (f) An approval of an application under this section expires on the
4 date specified by section 28(a) of this chapter.

5 SECTION 19. IC 3-11-7.5-7, AS AMENDED BY P.L.221-2005,
6 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 7. The commission may not approve the
8 marketing, sale, lease, installation, or implementation of an electronic
9 voting system unless the system meets the specifications in sections 8
10 through ~~19~~ 18 of this chapter and in IC 3-11-15.

11 SECTION 20. IC 3-11-7.5-19 IS REPEALED [EFFECTIVE UPON
12 PASSAGE]. ~~Sec. 19: An electronic voting system must have the frame
13 in which the ballot label is placed constructed with a transparent
14 protective sheet in order that the names cannot be mutilated or altered.~~

15 SECTION 21. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005,
16 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 31.7. (a) This section is enacted to comply
18 with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory
19 standards to define what constitutes a vote on an optical scan voting
20 system.

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

24 (1) the candidates for whom the voter desires to vote by marking
25 the connectable arrows, circles, ovals, or squares immediately
26 beside:

27 (A) the candidates' names; or

28 (B) the numbers referring to the candidates; and

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

31 (A) the word "yes" or "no" under the question; or

32 (B) the number referring to the word "yes" or "no" on the
33 ballot.

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

37 (1) the circle enclosing the device; or

38 (2) the connectable arrow, circle, oval, or square described in
39 section 11 of this chapter;

40 that designates the candidates of that political party or independent
41 ticket (described in IC 3-11-2-6). The voter's vote shall then be counted
42 for all the candidates of that political party or included in the



1 independent ticket (described in IC 3-11-2-6). However, if the voter
 2 marks the circle, arrow, oval, or square of an independent ticket
 3 (described in IC 3-11-2-6), the vote shall not be counted for any other
 4 independent candidate on the ballot.

5 **(d) This subsection applies to a voter casting a ballot on a voting**
 6 **system that includes features of both an optical scan ballot card**
 7 **voting system and a direct record electronic voting system. After**
 8 **entering into a booth used with the voting system, the voter shall**
 9 **indicate the candidates for whom the voter desires to vote and the**
 10 **voter's preference on each public question by:**

11 **(1) inserting a paper ballot or an optical scan ballot into the**
 12 **voting system; or**

13 **(2) using headphones to listen to a recorded list of political**
 14 **parties, candidates, and public questions.**

15 **(e) A voter using a voting system described in subsection (d)**
 16 **may indicate the voter's selections by:**

17 **(1) touching a device on or in the squares immediately**
 18 **adjacent to the name of a political party, candidate, or**
 19 **response to a public question; or**

20 **(2) indicating the voter's choices by using a sip puff device**
 21 **that enables the voter to indicate a choice by inhaling or**
 22 **exhaling.**

23 SECTION 22. IC 3-11-14-3.5, AS AMENDED BY P.L.194-2013,
 24 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 3.5. (a) Each county election board shall have the
 26 names of all candidates for all elected offices, political party offices,
 27 and public questions printed on ballot labels for use in an electronic
 28 voting system as provided in this chapter.

29 (b) The county may:

30 (1) print all offices and public questions on a single ballot label;
 31 and

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

34 (c) Each type of ballot label ~~or paster~~ must be of uniform size and
 35 of the same quality and color of paper (except as permitted under
 36 IC 3-10-1-17).

37 (d) The nominees of a political party or an independent candidate
 38 or independent ticket (described in IC 3-11-2-6) nominated by
 39 petitioners must be listed on the ballot label with the name and device
 40 set forth on the certification or petition. The circle containing the
 41 device may be of any size that permits a voter to readily identify the
 42 device. IC 3-11-2-5 applies if the certification or petition does not



1 include a name or device, or if the same device is selected by two (2)
2 or more parties or petitioners.

3 (e) The ballot labels must list the offices and public questions on the
4 general election ballot in the order listed in IC 3-11-2-12,
5 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),
6 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
7 IC 3-11-2-14(d). Each office and public question may have a separate
8 screen, or the offices and public questions may be listed in a
9 continuous column either vertically or horizontally.

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

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

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

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

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

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

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

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

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

40 (6) A space for write-in voting is placed after the candidates listed
41 in subdivisions (1) through (5), if required by law. A space for
42 write-in voting for an office is not required if there are no



- 1 declared write-in candidates for that office. However, procedures
 2 must be implemented to permit write-in voting for candidates for
 3 federal offices.
- 4 (7) The name of a write-in candidate may not be listed on the
 5 ballot.
- 6 (h) The names of the candidates grouped in the order established by
 7 subsection (g) must be printed in type with uniform capital letters and
 8 have a uniform space between each name. The name of the candidate's
 9 political party, or the word "Independent", if the:
- 10 (1) candidate; or
 11 (2) ticket of candidates for:
 12 (A) President and Vice President of the United States; or
 13 (B) governor and lieutenant governor;
 14 is independent, must be placed immediately below or beside the name
 15 of the candidate and must be printed in uniform size and type.
- 16 (i) All the candidates of the same political party for election to
 17 at-large seats on the fiscal or legislative body of a political subdivision
 18 must be grouped together:
- 19 (1) under the name of the office that the candidates are seeking;
 20 (2) in the party order established by subsection (g); and
 21 (3) within the political party, in alphabetical order according to
 22 surname.
- 23 A statement reading substantially as follows must be placed
 24 immediately below the name of the office and above the name of the
 25 first candidate: "Vote for not more than (insert the number of
 26 candidates to be elected) candidate(s) of ANY party for this office."
- 27 (j) Candidates for election to at-large seats on the governing body
 28 of a school corporation must be grouped:
- 29 (1) under the name of the office that the candidates are seeking;
 30 and
 31 (2) in alphabetical order according to surname.
- 32 A statement reading substantially as follows must be placed
 33 immediately below the name of the office and above the name of the
 34 first candidate: "Vote for not more than (insert the number of
 35 candidates to be elected) candidate(s) for this office."
- 36 (k) The cautionary statement described in IC 3-11-2-7 must be
 37 placed at the top or beginning of the ballot label before the first public
 38 question is listed.
- 39 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and
 40 IC 3-11-2-10(e) may be:
- 41 (1) placed on the ballot label; or
 42 (2) posted in a location within the voting booth that permits the



- 1 voter to easily read the instructions.
- 2 (m) The ballot label must include a touch sensitive point or button
3 for voting a straight political party or independent ticket (described in
4 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button
5 must be identified by:
- 6 (1) the name of the political party or independent ticket; and
7 (2) immediately below or beside the political party's or
8 independent ticket's name, the device of that party or ticket
9 (described in IC 3-11-2-5).
- 10 The name and device of each party or ticket must be of uniform size
11 and type, and arranged in the order established by subsection (g) for
12 listing candidates under each office. The instructions described in
13 IC 3-11-2-10(c) for voting a straight party ticket and the statement
14 concerning presidential electors required under IC 3-10-4-3 may be
15 placed on the ballot label or in a location within the voting booth that
16 permits the voter to easily read the instructions.
- 17 (n) A public question must be in the form described in
18 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
19 point or button must be used instead of a square. Except as expressly
20 authorized or required by statute, a county election board may not print
21 a ballot label that contains language concerning the public question
22 other than the language authorized by a statute.
- 23 (o) The requirements in this section:
- 24 (1) do not replace; and
25 (2) are in addition to;
- 26 any other requirements in this title that apply to ballots for electronic
27 voting systems.
- 28 (p) The procedure described in IC 3-11-2-16 must be used when a
29 ballot label does not comply with the requirements imposed by this title
30 or contains another error or omission that might result in confusion or
31 mistakes by voters.
- 32 SECTION 23. IC 3-11.5-4-9, AS AMENDED BY P.L.271-2013,
33 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 9. (a) This section does not apply to a county
35 that:
- 36 (1) has adopted an order to use an electronic poll list under
37 IC 3-7-29-6; or
38 (2) is a vote center county under IC 3-11-18.1;
- 39 if the electronic poll list used at a polling place or vote center is
40 immediately updated to indicate that the county received, not later than
41 noon on election day, an absentee ballot from a voter.
- 42 (b) Upon delivery of the certificates under section 8 of this chapter



1 to a precinct election board, the inspector shall do the following in the
2 presence of the poll clerks:

3 (1) Mark the poll list.

4 (2) Attach the certificates of voters who have registered and voted
5 under IC 3-7-36-14 to the poll list.

6 The poll clerks shall sign the statement printed on the certificate
7 indicating that the inspector marked the poll list and attached the
8 certificates under this section in the presence of both poll clerks to
9 indicate that the absentee ballot of the voter has been received by the
10 county election board.

11 (c) The inspector shall then deposit:

12 (1) the certificate prepared under section 1 of this chapter;

13 (2) the certificate prepared under section 8 of this chapter; and

14 (3) any challenge affidavit executed by a qualified person under
15 section ~~16~~ 15 of this chapter;

16 in an envelope in the presence of both poll clerks.

17 (d) The inspector shall seal the envelope. The inspector and each
18 poll clerk shall then sign a statement printed on the envelope indicating
19 that the inspector or poll clerk has complied with the requirements of
20 this chapter governing the marking of the poll list and certificates.

21 (e) The couriers shall immediately return the envelope described in
22 subsection (c) to the county election board. Upon delivering the
23 envelope to the county election board, each courier shall sign a
24 statement printed on the envelope indicating that the courier has not
25 opened or tampered with the envelope since the envelope was delivered
26 to the courier.

27 SECTION 24. IC 3-11.5-4-16, AS AMENDED BY P.L.271-2013,
28 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 UPON PASSAGE]: Sec. 16. (a) If an absentee ballot is challenged
30 under section 15 of this chapter, the absentee voter's application for an
31 absentee ballot shall be considered as the affidavit required to be made
32 by a voter when challenged at the polls while voting in person.

33 (b) Except as provided in subsection (c), the challenge procedure
34 under this section is the same as though the ballot was cast by the voter
35 in person.

36 (c) An absentee voter is not required to provide proof of
37 identification.

38 ~~(d) This subsection does not apply to a county that:~~

39 ~~(1) has adopted an order to use an electronic poll list under~~
40 ~~IC 3-7-29-6; or~~

41 ~~(2) is a vote center county under IC 3-11-18.1.~~

42 ~~If a proper affidavit by a qualified person in the form required by~~



1 ~~IC 3-11-8-22.1~~ is made that would entitle the absentee voter to vote if
 2 the absentee voter had personally appeared; the couriers shall return the
 3 affidavit to the county election board in the same envelope as the
 4 certificate returned under section 9 of this chapter.

5 ~~(e)~~ (d) The absentee ballot cast by the challenged voter shall be
 6 counted if the county election board makes the findings required under
 7 ~~IC 3-11.7.~~ **IC 3-11.7-5.**

8 SECTION 25. IC 3-12-1-17, AS ADDED BY P.L.164-2006,
 9 SECTION 125, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) This section applies only to
 11 an absentee ballot sent by mail.

12 (b) Notwithstanding IC 3-11-10-14 and ~~IC 3-11.5-4-10;~~
 13 **IC 3-11.5-4-7**, an absentee ballot received from an overseas voter is
 14 not considered as arriving too late if both of the following apply:

15 (1) The absentee ballot envelope is postmarked not later than the
 16 date of the election.

17 (2) The absentee ballot is received not later than the deadline for
 18 counting provisional ballots under IC 3-11.7-5-1.

19 (c) If the postmark on the absentee ballot envelope is unclear, the
 20 county election board, by unanimous vote of the entire membership of
 21 the board, determines the postmark date. If the board is unable to
 22 determine the postmark date, the absentee ballot may not be counted.

23 SECTION 26. IC 3-12-4-12, AS AMENDED BY P.L.221-2005,
 24 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than noon on the~~
 26 ~~second Monday~~ After the county election board certifies the election
 27 results under section 9 of this chapter, the circuit court clerk shall
 28 furnish, **upon request**, to the county chairman of each political party
 29 a copy of the statement.

30 SECTION 27. IC 3-12-12-1.7 IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2014]: **Sec. 1.7. As used in this chapter,**
 33 **"petitioner" refers to the individual voter whose name is listed first**
 34 **on the petition filed under section 2 of this chapter.**

35 SECTION 28. IC 3-12-12-4 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The petition filed
 37 under section 2 of this chapter must also be signed by a number of
 38 voters within the election district ~~that voted on the public question~~
 39 equal to at least ten percent (10%) of the voters who cast ballots on the
 40 public question in the election.

41 SECTION 29. IC 3-12-12-6 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) This section does



1 not apply to a petitioner if it is determined that the result of the public
 2 question is other than what was shown on the face of the election
 3 returns.

4 (b) If a cash deposit was not made as required by section 5 of this
 5 chapter, the ~~petitioners~~ **petitioner** shall pay to the circuit court clerk
 6 within ten (10) days after the recount is completed all costs of the
 7 recount.

8 SECTION 30. IC 3-12-12-13 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. On the day when
 10 the order of a recount is made and entered by the court, the circuit court
 11 clerk shall send a certified copy of the order by certified mail to the
 12 ~~first name on each petition filed under section 2 of this chapter~~
 13 **petitioner** at the address stated in the petition. The clerk shall charge
 14 the cost of mailing the order to each petitioner.

15 SECTION 31. IC 3-12-12-17 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) After a recount
 17 is ordered under section 9 of this chapter, the recount commission shall
 18 convene at a place fixed by order of the court and expeditiously
 19 complete the recount of all votes ordered recounted.

20 (b) ~~The petitioners~~ **petitioner** may designate a watcher to be present
 21 at the recount and may also be present in person. Representatives of the
 22 media may also attend the recount.

23 SECTION 32. IC 20-46-1-14, AS AMENDED BY P.L.113-2010,
 24 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 14. (a) The referendum shall be held in the next
 26 primary election, general election, or municipal election in which all
 27 the registered voters who are residents of the appellant school
 28 corporation are entitled to vote after certification of the question under
 29 IC 3-10-9-3. The certification of the question must occur not later than
 30 noon:

31 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if
 32 the question is to be placed on the primary or municipal primary
 33 election ballot; or

34 (2) August 1 if the question is to be placed on the general or
 35 municipal election ballot.

36 However, if a primary election, general election, or municipal election
 37 will not be held during the first year in which the public question is
 38 eligible to be placed on the ballot under this chapter and if the
 39 appellant school corporation requests the public question to be placed
 40 on the ballot at a special election, the public question shall be placed
 41 on the ballot at a special election to be held on the first Tuesday after
 42 the first Monday in May or November of the year. The certification



1 must occur not later than noon ~~sixty (60)~~ **seventy-four (74)** days before
 2 a special election to be held in May (if the special election is to be held
 3 in May) or noon on August 1 (if the special election is to be held in
 4 November).

5 (b) If the referendum is not conducted at a primary election, general
 6 election, or municipal election, the appellant school corporation in
 7 which the referendum is to be held shall pay all the costs of holding the
 8 referendum.

9 SECTION 33. IC 36-4-1.5-2, AS AMENDED BY P.L.202-2013,
 10 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2014]: Sec. 2. A town may be changed into a city through the
 12 following:

13 (1) The town legislative body must adopt a resolution submitting
 14 to the town's voters the question of whether the town should be
 15 changed into a city. The town legislative body shall adopt a
 16 resolution described in this subdivision if at least the number of
 17 registered voters of the town equal to ten percent (10%) of the
 18 total votes cast in the town at the last election for secretary of
 19 state sign a petition requesting the town legislative body to adopt
 20 such a resolution. In determining the number of signatures
 21 required under this subdivision, any fraction that exceeds a whole
 22 number shall be disregarded.

23 (2) The town legislative body must adopt the resolution under
 24 subdivision (1) not later than thirty (30) days after the date on
 25 which a petition having a sufficient number of signatures is filed.
 26 A resolution adopted under subdivision (1) must fix the date for
 27 an election on the question of whether the town should be
 28 changed into a city as follows:

29 (A) If the election is to be on the same date as a general
 30 election or municipal election:

31 (i) the resolution must state that fact and be certified in
 32 accordance with IC 3-10-9-3; and

33 (ii) the election must be held on the date of the next general
 34 election or municipal election, whichever is earlier, at which
 35 the question can be placed on the ballot under ~~IC 3-10-9-3.~~
 36 **IC 3-10-9.**

37 (B) If the election is to be a special election, the date must be:

38 (i) not less than ~~thirty (30)~~ **seventy-four (74)** and not more
 39 than ~~sixty (60)~~ **one hundred four (104)** days after the notice
 40 of the election; and

41 (ii) not later than the next general election or municipal
 42 election, whichever is earlier, at which the question can be



- 1 placed on the ballot under ~~IC 3-10-9-3~~. **IC 3-10-9.**
- 2 (3) The town legislative body shall file a copy of the resolution
- 3 adopted under subdivision (1) with the circuit court clerk of each
- 4 county in which the town is located. The circuit court clerk shall
- 5 immediately certify the resolution to the county election board.
- 6 (4) The county election board shall give notice of the election in
- 7 the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the
- 8 election.
- 9 (5) The question described in subdivision (1) shall be placed on
- 10 the ballot in the form prescribed by IC 3-10-9-4. The text of the
- 11 question shall be: "Shall the town of _____ change into a
- 12 city?".
- 13 (6) If a majority of the voters voting on the question described in
- 14 subdivision (1) vote "yes", the town is changed into a city as
- 15 provided in this chapter. If a majority of the voters voting on the
- 16 question vote "no", the town remains a town.
- 17 SECTION 34. IC 36-5-1-8, AS AMENDED BY P.L.147-2013,
- 18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2014]: Sec. 8. (a) The county executive may approve a
- 20 petition for incorporation only if it finds all of the following:
- 21 (1) That the proposed town is used or will, in the reasonably
- 22 foreseeable future, be used generally for commercial, industrial,
- 23 residential, or similar purposes.
- 24 (2) That the proposed town is reasonably compact and contiguous.
- 25 (3) That the proposed town includes enough territory to allow for
- 26 reasonable growth in the foreseeable future.
- 27 (4) That a substantial majority of the property owners in the
- 28 proposed town have agreed that at least six (6) of the following
- 29 municipal services should be provided on an adequate basis:
- 30 (A) Police protection.
- 31 (B) Fire protection.
- 32 (C) Street construction, maintenance, and lighting.
- 33 (D) Sanitary sewers.
- 34 (E) Storm sewers.
- 35 (F) Health protection.
- 36 (G) Parks and recreation.
- 37 (H) Schools and education.
- 38 (I) Planning, zoning, and subdivision control.
- 39 (J) One (1) or more utility services.
- 40 (K) Stream pollution control or water conservation.
- 41 (5) That the proposed town could finance the proposed municipal
- 42 services with a reasonable tax rate, using the current assessed



1 valuation of properties as a basis for calculation.

2 (6) That incorporation is in the best interest of the territory
3 involved. This finding must include a consideration of:

4 (A) the expected growth and governmental needs of the area
5 surrounding the proposed town;

6 (B) the extent to which another unit can more adequately and
7 economically provide essential services and functions; and

8 (C) the extent to which the incorporators are willing to enter
9 into agreements under IC 36-1-7 with the largest neighboring
10 municipality, if that municipality has proposed such
11 agreements.

12 (b) If the county executive determines that the petition satisfies the
13 requirements set forth in subsection (a), the county executive may do
14 any of the following:

15 (1) Adopt an ordinance under section 10.1 of this chapter
16 incorporating the town.

17 (2) Deny the petition.

18 (3) Adopt a resolution to place a public question concerning the
19 incorporation on the ballot at an election. The county executive
20 shall request a date for the election as follows:

21 (A) If the county executive requests the public question be on
22 the same date as a general election or primary election:

23 (i) the resolution must state that the election is to be on the
24 same date as a general or primary election, and must be
25 certified in accordance with IC 3-10-9-3; and

26 (ii) the election must be held on the date of the next general
27 election or primary election, whichever is earlier, at which
28 the question can be placed on the ballot under IC 3-10-9-3.

29 (B) If a petition contains a request for a special election, the
30 county executive may request that the public question
31 concerning the incorporation will be on the ballot of a special
32 election. An election may be considered a special election only
33 if it is conducted on a date other than the date of a general
34 election or primary election. The date of the special election
35 must be:

36 (i) at least ~~thirty (30)~~ **seventy-four (74)** and not more than
37 ~~sixty (60)~~ **one hundred four (104)** days after the notice of
38 the election is filed under IC 3-10-8-4; and

39 (ii) not later than the next general election or primary
40 election, whichever is earlier, at which the question can be
41 placed on the ballot under IC 3-10-9-3.

42 If the public question is on the ballot of a special election, the



- 1 petitioners shall pay the costs of holding the special election.
 2 If the county executive adopts a resolution under this subdivision,
 3 the county executive shall file the resolution and the petition with
 4 the circuit court clerk of each county that contains any part of the
 5 territory sought to be incorporated.
- 6 (c) After a resolution is filed with a circuit court clerk under
 7 subsection (b)(3), the circuit court clerk shall certify the resolution to
 8 the county election board. The county election board shall place the
 9 following public question on the ballot:
 10 "Shall (insert a description of the territorial boundaries) be
 11 incorporated as a town?"
 12 Only the registered voters residing within the territory of the proposed
 13 town may vote on the public question.
- 14 (d) Not earlier than sixty (60) days and not later than thirty (30) days
 15 before the election, the petitioners shall publish a notice in accordance
 16 with IC 5-3-1 in each county where the proposed town is located. The
 17 notice must include the following:
 18 (1) A description of the boundaries of the proposed town and the
 19 quantity of land contained in the territory of the proposed town.
 20 (2) The information provided under section 3(3) through 3(6) of
 21 this chapter.
 22 (3) The name, telephone number, and electronic mail address (if
 23 available) of the contact person for the petitioners.
 24 (4) A statement that the petition is available for inspection and
 25 copying in the office of the circuit court clerk of each county
 26 where the proposed town is located.
- 27 The petitioners shall submit proof of publication of the notice to the
 28 circuit court clerk of each county in which the proposed town is
 29 located. A defect in the form of the notice does not invalidate the
 30 petition.
- 31 (e) If a majority of the voters residing within the territory of the
 32 proposed town:
 33 (1) vote "no" on the public question, the territory is not
 34 incorporated as a town, and a new petition for incorporation may
 35 not be filed within the period set forth in section 9 of this chapter;
 36 or
 37 (2) vote "yes" on the public question, the county executive of each
 38 county in which the proposed town is located shall adopt a
 39 ordinance under section 10.1 of this chapter.
- 40 (f) The circuit court clerk shall certify the results of a public
 41 question under this section to the following:
 42 (1) The county executive of each county in which the proposed



- 1 incorporated territory is located.
- 2 (2) The county auditor of each county in which the proposed
- 3 incorporated territory is located.
- 4 (3) The department of local government finance.
- 5 (4) The department of state revenue.
- 6 (5) The state board of accounts.
- 7 **(6) The office of the secretary of state.**
- 8 **(7) The office of census data established by IC 2-5-1.1-12.2.**
- 9 **SECTION 35. An emergency is declared for this act.**

