



Reprinted
March 4, 2014

ENGROSSED

HOUSE BILL No. 1318

DIGEST OF HB 1318 (Updated March 3, 2014 6:13 pm - DI 102)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-12; IC 6-1.1; IC 13-11; IC 20-24; IC 20-46; IC 33-42; IC 35-51; IC 36-1; IC 36-2; IC 36-4; IC 36-5; IC 36-9.

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. Adds a definition of "modification" for a certified voting system. Provides that a document issued by the United States Department of Veterans Affairs (or its predecessor, the Veterans Administration) is sufficient proof of identification when voting in person even if the document does not have an expiration date. Updates a cross reference concerning the format requirements for candidate designations on a primary ballot. Provides that a county election board may determine by the unanimous vote of its entire membership not to
(Continued next page)

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

**Richardson, Bartlett, Hamm,
GiaQuinta**

(SENATE SPONSORS — MILLER PETE, LANANE)

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

January 28, 2014, amended, reported — Do Pass.

January 30, 2014, read second time, ordered engrossed. Engrossed.

February 3, 2014, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 10, 2014, read first time and referred to Committee on Elections.

February 25, 2014, amended, reported favorably — Do Pass.

March 3, 2014, read second time, amended, ordered engrossed.

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print the name of a deceased candidate for precinct committeeman or state convention delegate on a primary ballot. 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. Requires that an absentee ballot from a military or overseas voter be received by noon 10 days following the election in order to be counted. (Currently, the absentee ballot must be received not later than 3 p.m. 10 days following the election.) 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 in the candidate's 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. Corrects references to "electronic poll books" and "electronic poll lists". Specifies that information on an electronic poll book (book) is required to be secure rather than encrypted. Provides that an application for book certification must specify how the book will manage data through a secure connection rather than establish a secure connection between the county election board and precinct election officials administering a vote center. Provides that, in a vote center county using a book and a printer separate from the book, rather than the poll clerks placing their initials in ink on the back of each ballot card, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log onto the system may be printed on the back of each ballot card immediately before the ballot card is delivered to the voter. 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. Delays, until elections held after January 1, 2016, the requirement that a candidate who currently holds the office of township assessor must attain the certification of a level three assessor-appraiser. Provides that a candidate for the office of county assessor must have attained the requisite certification level required by law before taking office. (Current law does not provide that the certification level must be attained before the candidate "takes office".) Allows an individual to serve as: (1) a member of the fiscal body of a city, town, or township (unit) or as township trustee; and (2) a volunteer firefighter for a fire department or volunteer fire department that provides fire protection services to the unit. Provides that a taxpayer of the unit may object to specific provisions of the unit's fire protection services budget because the individual is serving in both capacities. Provides that in a county having a population of more than 300,000 but less than 400,000, a public question shall be held in the county at the 2014 general election on whether the executive and legislative structure of county government should be changed. Provides that if the public question is approved, the voters of the county shall not elect a board of county commissioners, but shall instead elect a single county executive to serve as the county executive and shall elect a county council that has the legislative and fiscal powers and duties of the county. Provides that in a county with a single county executive, the county council must consist of nine members elected from single-member districts (instead of four members elected from single-member districts and three

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Digest Continued

members elected at large). Provides that if the office of single county executive becomes vacant, the county council shall appoint an individual to serve as interim single county executive until the office is filled. Provides that in a county that has abolished the board of county commissioners and has elected a single county executive, the county council may adopt an ordinance to change the county government structure back to a structure that includes: (1) the election of a board of county commissioners (instead of a single county executive); and (2) a county council in which four members are elected from single-member districts and three members are elected at large (instead of a county council in which all nine members are elected from single-member districts). Provides that if such an ordinance is adopted, a public question shall be held to determine whether the county government structure shall be changed back to a structure that includes the election of a board of county commissioners. Provides that in a county that has a single county executive, the drainage board consists of: (1) the single county executive; and (2) two or four persons (as determined by the single county executive) who are appointed by the single county executive. Adds and corrects cross-references, and resolves conflicts with other bills. Eliminates the term "paster" in an election statute. Repeals obsolete provisions concerning certificates of error, the delivery of voter registration applications by certified mail, printing ballot labels for use on electronic voting systems, and local ballots.

EH 1318—LS 6955/DI 75



Reprinted
March 4, 2014

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.

ENGROSSED 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.**

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- 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 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**
 6 (1) board of county commissioners, for a county ~~not having that:~~
 7 **(A) does not have** a consolidated city; **and**
 8 **(B) is not subject to IC 36-2-2.5;**
 9 **(2) single county executive elected under IC 3-10-2-13, for a**
 10 **county that:**
 11 **(A) does not have a consolidated city; and**
 12 **(B) is subject to IC 36-2-2.5;**
 13 ~~(2)~~ **(3) mayor of the consolidated city, for a county having a**
 14 consolidated city;
 15 ~~(3)~~ **(4) mayor, for a city;**
 16 ~~(4)~~ **(5) president of the town council, for a town; or**
 17 ~~(5)~~ **(6) trustee, for a township.**
- 18 SECTION 3. IC 3-5-2-31.7 IS ADDED TO THE INDIANA CODE
 19 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
 20 UPON PASSAGE]: Sec. 31.7. "**Modification**", **for a certified voting**
 21 **system, refers to a change:**
 22 **(1) in the software or firmware of the voting system; or**
 23 **(2) to the hardware of the voting system that:**
 24 **(A) materially alters the system's reliability, functionality,**
 25 **capacity, or operation; or**
 26 **(B) has a reasonable and identifiable potential to affect the**
 27 **voting system's operation and compliance with the**
 28 **applicable voting system standards.**
- 29 SECTION 4. IC 3-5-2-40.5, AS AMENDED BY P.L.118-2011,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 40.5. (a) Except as provided in subsection (b),
 32 "proof of identification" refers to a document that satisfies all the
 33 following:
 34 (1) The document shows the name of the individual to whom the
 35 document was issued, and the name conforms to the name in the
 36 individual's voter registration record.
 37 (2) The document shows a photograph of the individual to whom
 38 the document was issued.
 39 (3) The document includes an expiration date, and the document:
 40 (A) is not expired; or
 41 (B) expired after the date of the most recent general election.
 42 (4) The document was issued by the United States or the state of



1 Indiana.
 2 (b) Notwithstanding subsection (a)(3), a document issued by the
 3 United States Department of Defense, **the United States Department**
 4 **of Veterans Affairs (or its predecessor, the Veterans**
 5 **Administration)**, a branch of the uniformed services, the Merchant
 6 Marine, or the Indiana National Guard that:

- 7 (1) otherwise complies with the requirements of subsection (a);
 8 and
 9 (2) has no expiration date or states that the document has an
 10 indefinite expiration date;
 11 is sufficient proof of identification for purposes of this title.

12 SECTION 5. IC 3-5-9-4, AS ADDED BY P.L. 135-2012, SECTION
 13 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 14 PASSAGE]: Sec. 4. (a) ~~An individual who is serving as a volunteer~~
 15 ~~firefighter for a volunteer fire department or a fire department that~~
 16 ~~provides fire protection services to a unit:~~

- 17 ~~(1) under a contract, excluding a mutual aid agreement; or~~
 18 ~~(2) as the unit's fire department;~~
 19 ~~may not assume or hold an elected office of a unit that receives fire~~
 20 ~~protection services from the department in which the volunteer~~
 21 ~~firefighter serves:~~

- 22 ~~(b) An individual who~~
 23 ~~(1) is an employee of a unit, serving as a full-time, paid firefighter~~
 24 ~~or~~
 25 ~~(2) serves as a volunteer firefighter;~~

26 in a department that provides fire protection services to more than one
 27 (1) unit, excluding fire protection services provided under mutual aid
 28 agreements, may not assume or hold an elected office of any unit that
 29 receives fire protection services from the department.

30 SECTION 6. IC 3-5-9-6, AS ADDED BY P.L. 135-2012, SECTION
 31 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 32 PASSAGE]: Sec. 6. This chapter does not prohibit:

- 33 (1) a government employee from assuming or holding an elected
 34 office of a unit other than the unit that employs the government
 35 employee;
 36 (2) a full-time, paid firefighter ~~or volunteer firefighter~~ from
 37 assuming or holding an elected office of a unit other than a unit
 38 that receives fire protection services from the department in
 39 which the ~~volunteer~~ firefighter serves; or
 40 (3) an individual who assumes or holds an elected office from
 41 also being appointed to and serving on a board, commission, or
 42 committee of the unit.



1 SECTION 7. IC 3-5-9-7, AS ADDED BY P.L.135-2012, SECTION
 2 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 3 PASSAGE]: Sec. 7. (a) Notwithstanding sections 4 and 5 of this
 4 chapter,

5 (1) a volunteer firefighter who assumes or holds an elected office
 6 on January 1, 2013, may continue to hold the elected office and
 7 serve as a volunteer firefighter; and

8 (2) a government employee who assumes or holds an elected
 9 office on January 1, 2013, may continue to hold the elected office
 10 and be employed as a government employee;

11 until the term of the elected office that the ~~volunteer firefighter or~~
 12 government employee is serving on January 1, 2013, expires.

13 (b) ~~After the expiration of the term of the elected office that the~~
 14 ~~volunteer firefighter referred to in subsection (a) is serving on January~~
 15 ~~1, 2013, the volunteer firefighter is subject to section 4 of this chapter~~
 16 ~~with respect to serving as a volunteer firefighter and assuming or~~
 17 ~~holding an elected office of the unit that receives fire protection~~
 18 ~~services from the department in which the volunteer firefighter serves.~~

19 (c) (b) After the expiration of the term of the elected office that the
 20 government employee referred to in subsection (a) is serving on
 21 January 1, 2013, the government employee is subject to section 5 of
 22 this chapter with respect to assuming or holding an elected office and
 23 being employed by the unit that employs the government employee.

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

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

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

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

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

37 (5) The individual has the written approval of the principal of the
 38 school the individual attends at the time of the appointment or, if
 39 the student is educated in the home, the approval of the individual
 40 responsible for the education of the student.

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



- 1 (7) The individual has satisfactorily completed any training
 2 required by the county election board.
- 3 (8) The individual otherwise is eligible to serve as a precinct
 4 election officer under this chapter but is not required to be a
 5 registered voter of the county.
- 6 (b) An individual appointed to a precinct election office or assistant
 7 under this section,
 8 ~~(1) must serve in a nonpartisan manner in accordance with the~~
 9 ~~standards developed by the Help America Vote Foundation under~~
 10 ~~36 U.S.C. 152602; and~~
 11 ~~(2) while serving as a precinct election officer or assistant:~~
 12 ~~(A) (1) is not required to obtain an employment certificate under~~
 13 ~~IC 20-33-3; and~~
 14 ~~(B) (2) is not subject to the limitations on time and duration of~~
 15 ~~employment under IC 20-33-3.~~
- 16 SECTION 9. IC 3-7-16-29 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. A designated
 18 individual may use any of the following methods to transmit voter
 19 registration applications or declinations under section 27 or 28 of this
 20 chapter:
 21 (1) Hand delivery to the circuit court clerk or board of
 22 registration.
 23 (2) ~~Certified Delivery by the United States Postal Service,~~
 24 ~~using first class mail. return receipt requested.~~
 25 (3) Electronic transfer, after approval by the commission.
- 26 SECTION 10. IC 3-7-18-21, AS AMENDED BY P.L.42-2011,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 21. A designated individual may use any of
 29 the following methods to transmit voter registration applications or
 30 declinations under section 19 of this chapter:
 31 (1) Hand delivery to the ~~circuit court clerk or board of county~~
 32 ~~voter registration office.~~
 33 (2) ~~Certified Delivery by the United States Postal Service,~~
 34 ~~using first class mail. return receipt requested.~~
 35 (3) Electronic transfer, after approval by the commission.
- 36 SECTION 11. IC 3-7-36-10, AS AMENDED BY P.L.225-2011,
 37 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 10. (a) The county voter registration office
 39 shall process an absentee registration affidavit or form received from
 40 a voter described in section 1 of this chapter during the registration
 41 period or during the period beginning on the twenty-ninth day before
 42 the election and ending on the ~~tenth~~ **eighth** day before the election.



1 (b) A properly completed voter registration application described in
 2 this section is subject to the same requirements that are applicable to
 3 a properly completed voter registration application from a voter
 4 described in section 1 of this chapter during the period ending on the
 5 twenty-ninth day before the election.

6 SECTION 12. IC 3-7-36-14, AS AMENDED BY P.L.219-2013,
 7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 14. (a) This section applies to a person
 9 described in subsection (b) who applies to register to vote during the
 10 period:

- 11 (1) beginning on the ~~ninth~~ **seventh** day before election day; and
 12 (2) ending at noon election day.

13 (b) An absent uniformed services voter who is absent from Indiana
 14 during the registration period applicable to the voter under this chapter
 15 and who otherwise would be entitled to register to vote under Indiana
 16 law may, upon returning to Indiana during the period described in
 17 subsection (a) following discharge from service or reassignment,
 18 register to vote by doing the following:

- 19 (1) Showing either of the following to the county voter
 20 registration office:

21 (A) A discharge from service, dated not earlier than the
 22 beginning of the registration period that ended on the ~~tenth~~
 23 **eighth** day before election day, of:

- 24 (i) the voter;
 25 (ii) the voter's spouse; or
 26 (iii) the individual of whom the voter is a dependent.

27 (B) A copy of the government movement orders, with a
 28 reporting date not earlier than the beginning of the registration
 29 period that ended on the ~~tenth~~ **eighth** day before election day,
 30 of:

- 31 (i) the voter;
 32 (ii) the voter's spouse; or
 33 (iii) the individual of whom the voter is a dependent.

- 34 (2) Completing a registration affidavit.

35 (c) A voter who registers under this section may vote at the
 36 upcoming election only by absentee ballot at the office of the circuit
 37 court clerk at the time the voter registers under this section or at any
 38 time after the voter registers under this section and before noon on
 39 election day. A voter who wants to vote under this subsection must do
 40 both of the following:

- 41 (1) Complete an application for an absentee ballot.
 42 (2) Sign an affidavit that the voter has not voted at any other



1 precinct in the election.
 2 The voter may vote at subsequent elections as otherwise provided in
 3 this title.

4 (d) If the voter votes by absentee ballot under this section, the
 5 circuit court clerk shall do the following:

6 (1) Certify in writing that the voter registered under this section.

7 (2) Attach the certification to the voter's absentee ballot envelope.

8 (e) If the county has a board of registration, the board of registration
 9 shall promptly deliver the voter's registration affidavit to the circuit
 10 court clerk to permit the voter to vote under subsection (c).

11 (f) If the voter chooses not to vote under subsection (c), the county
 12 voter registration office shall register the voter on the first day of the
 13 next registration period.

14 SECTION 13. IC 3-7-40-8 IS ADDED TO THE INDIANA CODE
 15 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 16 **UPON PASSAGE]: Sec. 8. When notified by a local public official**
 17 **or plan commission under section 3 of this chapter, the county**
 18 **voter registration office shall, as soon as practicable, amend the**
 19 **entry for the voter in the computerized list under IC 3-7-26.3 to be**
 20 **consistent with the information submitted under section 3 of this**
 21 **chapter.**

22 SECTION 14. IC 3-7-48-2, AS AMENDED BY P.L.271-2013,
 23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 2. A certificate of error issued under section
 25 1 of this chapter:

26 (1) may be issued at any time after:

27 (A) the production of the certified list under IC 3-7-29; or

28 (B) the downloading of the information into an electronic poll
 29 **list book** under IC 3-7-29-6(c);

30 (2) shall be executed by the circuit court clerk, or in a county with
 31 a board of registration, by both members of the board; and

32 (3) shall be numbered serially in the method prescribed for entry
 33 in the computerized list maintained under IC 3-7-26.3.

34 SECTION 15. IC 3-7-48-4 IS REPEALED [EFFECTIVE JULY 1,
 35 2014]. ~~Sec. 4. In a county with a board of registration, the circuit court~~
 36 ~~clerk or board of registration shall promptly transmit all certificates of~~
 37 ~~error to the board of registration:~~

38 SECTION 16. IC 3-8-1-21 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. **(a)** A candidate
 40 for the office of county commissioner must:

41 (1) have resided in the county for at least one (1) year before the
 42 election, as provided in Article 6, Section 4 of the Constitution of



1 the State of Indiana; and

2 (2) have resided in the district in which seeking election, if
3 applicable, for at least six (6) months before the election.

4 **(b) This subsection applies only to elections in a county in which**
5 **a single county executive under IC 36-2-2.5 is elected under**
6 **IC 3-10-2-13. A candidate for the office of single county executive**
7 **must have resided in the county for at least one (1) year before the**
8 **election, as provided in Article 6, Section 4 of the Constitution of**
9 **the State of Indiana.**

10 SECTION 17. IC 3-8-1-23, AS AMENDED BY P.L.146-2012,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 23. (a) A candidate for the office of county
13 assessor must:

14 (1) have resided in the county for at least one (1) year before the
15 election, as provided in Article 6, Section 4 of the Constitution of
16 the State of Indiana;

17 (2) own real property located in the county upon taking office;
18 and

19 (3) fulfill the requirements of subsections (b) through (d), as
20 applicable.

21 (b) A candidate for the office of county assessor who runs in an
22 election after June 30, 2008, must have attained the certification of a
23 level two assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

24 (c) A candidate for the office of county assessor who:

25 (1) did not hold the office of county assessor on January 1, 2012;
26 and

27 (2) runs in an election after January 1, 2012;

28 must have attained the certification of a level three assessor-appraiser
29 under IC 6-1.1-35.5 **before taking office.**

30 (d) A candidate for the office of county assessor who:

31 (1) held the office of county assessor on January 1, 2012; and

32 (2) runs in an election after January 1, 2016;

33 must have attained the certification of a level three assessor-appraiser
34 under IC 6-1.1-35.5 **before taking office.**

35 SECTION 18. IC 3-8-1-23.6, AS ADDED BY P.L.146-2008,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JANUARY 1, 2014 (RETROACTIVE)]: Sec. 23.6. (a) A ~~person who~~
38 ~~runs in an election after June 30, 2008~~; **candidate** for the office of
39 township assessor under IC 36-6-5-1 **who runs in an election after**
40 **June 30, 2008**, must have attained the certification of a level two
41 assessor-appraiser under IC 6-1.1-35.5 before taking office.

42 (b) A ~~person who runs in an election after January 1, 2012~~;



1 **candidate** for the office of township assessor under IC 36-6-5-1 **who:**

2 **(1) did not hold the office of township assessor on January 1,**
3 **2012; and**

4 **(2) runs in an election after January 1, 2012;**

5 must have attained the certification of a level three assessor-appraiser
6 under IC 6-1.1-35.5 before taking office.

7 **(c) A candidate for the office of township assessor under**
8 **IC 36-6-5-1 who:**

9 **(1) held the office of county assessor on January 1, 2012; and**

10 **(2) runs in an election after January 1, 2016;**

11 **must have attained the certification of a level three**
12 **assessor-appraiser under IC 6-1.1-35.5 before taking office.**

13 SECTION 19. IC 3-8-2-12 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. **(a) Not more later**
15 **than the close of one (1) business day** after a person files a declaration
16 of candidacy in the office of the election division or circuit court clerk,
17 the election division or circuit court clerk shall **send a statement to the**
18 **candidate by:**

19 **(1) hand deliver delivery;**

20 **(2) first class United States mail; or**

21 **(3) electronic mail.**

22 to the candidate (or mail to the candidate at the address listed in the
23 declaration) a statement showing

24 **(b) The election division or circuit court clerk shall send the**
25 **statement (or a scanned copy of the statement, if the statement is**
26 **sent by electronic mail) to the mailing address or electronic mail**
27 **address set forth in the declaration of candidacy.**

28 **(c) The statement must show** the following:

29 (1) That the candidate has filed a declaration.

30 (2) The name of the candidate.

31 (3) The office for which the ~~declarant~~ **individual** is a candidate.

32 (4) The date on which the declaration was filed.

33 SECTION 20. IC 3-8-2.5-2, AS AMENDED BY SEA 24-2014,
34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 2. (a) A candidate for a school board office
36 must file a petition of nomination in accordance with ~~IC 3-8-6~~ **this**
37 **chapter** and as required under IC 20-23 or IC 20-25. The petition of
38 nomination, once filed, serves as the candidate's declaration of
39 candidacy for a school board office.

40 (b) A candidate may be nominated for a school board office by
41 petition of voters who are:

42 (1) registered to vote at the residence address set forth on the



1 petition on the date ~~the county voter registration office certifies~~
 2 the petition **is certified** under ~~section 5~~ of this chapter; and
 3 (2) qualified to vote for the candidate.

4 (c) The petition of nomination must be signed by the number of
 5 voters required for the school board office under IC 20-23 or IC 20-25.

6 (d) Except as provided in this subsection, the signature, printed
 7 name, and residence address of the petitioner must be made in writing
 8 by the petitioner. If a petitioner with a disability is unable to write this
 9 information on the petition, the petitioner may authorize an individual
 10 to do so on the petitioner's behalf. The individual acting under this
 11 subsection shall execute an affidavit of assistance for each such
 12 petitioner, in a form prescribed by the commission. The form must set
 13 forth the name and address of the individual providing assistance, and
 14 the date the individual provided the assistance. The form must be
 15 submitted with the petition.

16 SECTION 21. IC 3-8-2.5-2.5, AS ADDED BY P.L.194-2013,
 17 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 2.5. (a) A petition of nomination for a school
 19 board office must state all of the following:

20 (1) The name of each candidate as:

21 (A) the candidate wants the candidate's name to appear on the
 22 ballot; and

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

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

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

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

30 (b) The petition of nomination must be accompanied by the
 31 following:

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

33 (2) A statement that the candidate:

34 (A) is aware of the provisions of IC 3-9 regarding campaign
 35 finance and the reporting of campaign contributions and
 36 expenditures; and

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

39 The candidate must separately sign the statement required by this
 40 subdivision.

41 (3) A statement by the candidate that the candidate is aware of the
 42 requirement to file a campaign finance statement of organization



1 under IC 3-9 after the first of either of the following occurs:

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

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

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

7 (A) has been a candidate for state, legislative, local, or school
8 board office in a previous primary, **municipal, special,** or
9 general election; and

10 (B) has filed all reports required by IC 3-9-5-10 for all
11 previous candidacies.

12 (5) A statement that each candidate is legally qualified to hold the
13 office that the candidate seeks, including any applicable residency
14 requirements and restrictions on service due to a criminal
15 conviction.

16 (6) Any statement of economic interests required under IC 3-8-9.

17 SECTION 22. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~Either the chairman and~~
19 ~~secretary of a state convention or~~ **This section applies to a state**
20 **convention conducted by a political party described by IC 3-8-4-1.**

21 (b) The state chairman and state secretary of the political party
22 holding the state convention shall certify each candidate nominated at
23 the convention to the secretary of state not later than noon July 15
24 before the general election.

25 ~~(b)~~ (c) The certificate must **be in writing and** state the following:

26 (1) **The name of each candidate nominated as:**

27 (A) **the candidate wants the candidate's name to appear on**
28 **the ballot; and**

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

31 (2) **Each candidate's residence address.**

32 ~~(+)~~ (3) Whether each candidate nominated by the convention has
33 complied with IC 3-9-1-5 by filing a campaign finance statement
34 of organization.

35 ~~(-)~~ (4) That the candidate:

36 (A) is aware of the provisions of IC 3-9 regarding campaign
37 finance and the reporting of campaign contributions and
38 expenditures; and

39 (B) agrees to comply with the provisions of IC 3-9.

40 The candidate must separately sign the statement required by this
41 subdivision.

42 ~~(e)~~ (d) The commission shall prescribe the form of the certificate of



1 nomination for the offices. The commission shall provide that the form
 2 of the certificate of nomination include the following information near
 3 the separate signature required by subsection ~~(b)(2)~~: **(c)(4)**:

- 4 (1) The dates for filing campaign finance reports under IC 3-9.
 5 (2) The penalties for late filing of campaign finance reports under
 6 IC 3-9.

7 ~~(d)~~ **(e)** A certificate of nomination must include a statement that the
 8 candidate requests the name on the candidate's voter registration record
 9 be the same as the name the candidate uses on the certificate of
 10 nomination. If there is a difference between the name on the candidate's
 11 certificate of nomination and the name on the candidate's voter
 12 registration record, the officer with whom the certificate of nomination
 13 is filed shall forward the information to the voter registration officer of
 14 the appropriate county as required by IC 3-5-7-6(e). The voter
 15 registration officer of the appropriate county shall change the name on
 16 the candidate's voter registration record to be the same as the name on
 17 the candidate's certificate of nomination.

18 **(f) The certificate of nomination must be signed by the state**
 19 **chairman and state secretary of the political party holding the**
 20 **convention, and set forth the name and residence of the chairman**
 21 **and secretary. The chairman and secretary shall acknowledge the**
 22 **certificate before an individual authorized to administer oaths**
 23 **under IC 33-42-4-1. The signed acknowledgment must be included**
 24 **in the certificate of nomination executed under this section.**

25 SECTION 23. IC 3-8-7-10 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) This**
 27 **section applies to a county, city, or town convention conducted by**
 28 **a political party described by IC 3-8-4-1.**

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

- 31 (1) Be in writing.
 32 (2) Contain all of the following information for each person
 33 nominated:
 34 (A) The name of each person nominated as:
 35 (i) the person wants the person's name to appear on the
 36 ballot; and
 37 (ii) the person's name is permitted to appear on the ballot
 38 under IC 3-5-7.
 39 (B) Each person's residence address.
 40 (C) The office for which each person is nominated.

41 ~~(3)~~ **Designate a title for the political party or principle that the**
 42 **convention or primary election represents; together with a simple**



1 figure or device by which its lists of candidates may be designated
 2 on the ballot.
 3 ~~(4)~~ (3) Be signed by the chairman and secretary of the convention;
 4 or by the chairman and secretary of the state, county, city, or town
 5 committee, who shall also give their respective places of
 6 residence and acknowledge the certificate before an officer
 7 authorized to take acknowledgments of deeds. The certificate of
 8 acknowledgment must be appended to the certificate of
 9 nomination. **an individual authorized to administer oaths**
 10 **under IC 33-42-4-1. The signed acknowledgment must be**
 11 **included in the certificate of nomination executed under this**
 12 **section.**

13 SECTION 24. IC 3-8-9-4, AS ADDED BY P.L.90-2012, SECTION
 14 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY
 15 8, 2014 (RETROACTIVE)]: Sec. 4. **(a) This section does not apply**
 16 **to a candidate for either of the following:**

- 17 **(1) Judge of a circuit, superior, probate, or small claims court.**
- 18 **(2) Prosecuting attorney of a judicial circuit.**

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

21 SECTION 25. IC 3-8-9-5, AS AMENDED BY P.L.194-2013,
 22 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 5. An individual required to file a statement
 24 under section 4 of this chapter shall file the statement as follows:

- 25 (1) With the individual's:
 - 26 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
 - 27 (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6;
 - 28 (C) certificate of nomination under IC 3-10-2-15 or
 - 29 IC 3-10-6-12;
 - 30 (D) statement consenting to be a replacement candidate under
 - 31 IC 3-8-6-17;
 - 32 (E) declaration of intent to be a write-in candidate under
 - 33 IC 3-8-2-2.5; or
 - 34 (F) certificate of candidate selection under IC 3-13-1 or
 - 35 IC 3-13-2.

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

41 SECTION 26. IC 3-10-1-7.1, AS AMENDED BY P.L.258-2013,
 42 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 7.1. (a) This subsection does not apply to a
 2 county in which electronic poll ~~lists~~ **books** are used under IC 3-7-29-6
 3 or IC 3-11-18.1. Each county election board shall furnish the inspector
 4 of each precinct for use on primary election day a certified copy under
 5 IC 3-7-29 of the list of all voters registered to vote in the precinct.

6 (b) This subsection does not apply to a county in which electronic
 7 poll ~~lists~~ **books** are used under IC 3-7-29-6 or IC 3-11-18.1. The county
 8 voter registration office may also provide the inspector of each precinct
 9 in the county a certified photocopy of the signature on the affidavit or
 10 form of registration of each voter of the precinct for the comparison of
 11 signatures under section 24.6 of this chapter.

12 (c) If the name of a person offering to vote at the primary is in the
 13 registration record or listed in the certified copy prepared for the
 14 precinct or the electronic poll list, it is sufficient evidence of the
 15 person's right to vote unless the person is challenged.

16 SECTION 27. IC 3-10-1-14.1, AS AMENDED BY P.L.194-2013,
 17 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 14.1. (a) All the candidates for each office
 19 who have qualified in the manner prescribed by IC 3-8 for placement
 20 on the primary election ballot shall be grouped together under the name
 21 of the office and printed in type with uniform capital letters, with
 22 uniform space between each name. At the head of each group, a
 23 statement reading substantially as follows must be placed immediately
 24 below the name of the office and above the name of the first candidate:
 25 "Vote for not more than (insert the number of candidates to be
 26 nominated) candidates for this office."

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

30 ~~(e) (b)~~ In addition to the candidate's given name and surname, the
 31 candidate may use:

32 (1) initials; or

33 (2) a nickname by which the candidate is commonly known;
 34 if the candidate's choice of initials or nickname does not exceed twenty
 35 (20) characters. Any nickname used must appear in parentheses
 36 between the candidate's given name and the candidate's surname.

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

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

42 SECTION 28. IC 3-10-1-18, AS AMENDED BY P.L.221-2005,



1 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 18. (a) Except as provided by subsection (b),
3 the names of all candidates for each office who have qualified under
4 IC 3-8 shall be arranged in alphabetical order by surnames under the
5 designation of the office.

6 (b) This subsection applies to a county having a population of more
7 than four hundred thousand (400,000) but less than seven hundred
8 thousand (700,000). The names of all candidates for each office who
9 have qualified under IC 3-8, except for a school board office, precinct
10 committeeman, or state convention delegate, shall be arranged in
11 random order by surnames under the designation of the office. The
12 random order shall be determined using a lottery. The lottery held in
13 accordance with this subsection shall be conducted in public by the
14 county election board. The lottery shall be held not later than fifteen
15 (15) days following the last day for a declaration of candidacy under
16 IC 3-8-2-4. All candidates whose names are to be arranged by way of
17 the lottery shall be notified at least five (5) days prior to the lottery of
18 the time and place at which the lottery is to be held. Each candidate
19 may have one (1) designated watcher, and each county political party
20 may have one (1) designated watcher who shall be allowed to observe
21 the lottery procedure.

22 (c) For paper ballots, the left margin of the ballot for each political
23 party must show the name of the uppermost candidate printed to the
24 right of the number 1, the next candidate number 2, the next candidate
25 number 3, and so on, consecutively to the end of the ballot as
26 prescribed in section 19 of this chapter. ~~The same order shall be~~
27 ~~followed for the printing of ballot labels and their placement on~~ **If**
28 **ordered by a county election board or a board of elections and**
29 **registration under IC 3-11-15-13.1(b), a ballot number or other**
30 **candidate designation uniquely associated with the candidate must**
31 **be displayed on** the electronic voting system and ~~for the printing of~~
32 ~~printed on the~~ ballot cards.

33 (d) This subsection applies to a county having a population of more
34 than four hundred thousand (400,000) but less than seven hundred
35 thousand (700,000). If there is insufficient room on a row to list each
36 candidate of a political party, a second or subsequent row may be
37 utilized. However, a second or subsequent row may not be utilized
38 unless the first row, and all preceding rows, have been filled.

39 SECTION 29. IC 3-10-1-19, AS AMENDED BY P.L.6-2012,
40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall
42 be printed in substantially the following form for all the offices for



1 which candidates have qualified under IC 3-8:

2 OFFICIAL PRIMARY BALLOT

3 _____ Party

4 For paper ballots, print: To vote for a person, make a voting mark
5 (X or ✓) on or in the box before the person's name in the proper
6 column. For optical scan ballots, print: To vote for a person, darken or
7 shade in the circle, oval, or square (or draw a line to connect the arrow)
8 that precedes the person's name in the proper column. For optical scan
9 ballots that do not contain a candidate's name, print: To vote for a
10 person, darken or shade in the oval that precedes the number assigned
11 to the person's name in the proper column. For electronic voting
12 systems, print: To vote for a person, touch the screen (or press the
13 button) in the location indicated.

14 Vote for one (1) only

15 Representative in Congress

16 (1) AB _____

17 (2) CD _____

18 (3) EF _____

19 (4) GH _____

20 (b) Local public questions shall be placed on the primary election
21 ballot after the voting instructions described in subsection (a) and
22 before the offices described in subsection (e).

23 (c) The local public questions described in subsection (b) shall be
24 placed:

- 25 (1) in a separate column on the ballot if voting is by paper ballot;
- 26 (2) after the voting instructions described in subsection (a) and
- 27 before the offices described in subsection (e), in the form
- 28 specified in IC 3-11-13-11 if voting is by ballot card; or
- 29 (3) as provided by either of the following if voting is by an
- 30 electronic voting system:

- 31 (A) On a separate screen for a public question.
- 32 (B) After the voting instructions described in subsection (a)
- 33 and before the offices described in subsection (e), in the form
- 34 specified in IC 3-11-14-3.5.

35 (d) A public question shall be placed on the primary election ballot
36 in the following form:

37 (The explanatory text for the public question,
38 if required by law.)

39 "Shall (insert public question)?"

40 YES

41 NO

42 (e) The offices with candidates for nomination shall be placed on



- 1 the primary election ballot in the following order:
- 2 (1) Federal and state offices:
- 3 (A) President of the United States.
- 4 (B) United States Senator.
- 5 (C) Governor.
- 6 (D) United States Representative.
- 7 (2) Legislative offices:
- 8 (A) State senator.
- 9 (B) State representative.
- 10 (3) Circuit offices and county judicial offices:
- 11 (A) Judge of the circuit court, and unless otherwise specified
- 12 under IC 33, with each division separate if there is more than
- 13 one (1) judge of the circuit court.
- 14 (B) Judge of the superior court, and unless otherwise specified
- 15 under IC 33, with each division separate if there is more than
- 16 one (1) judge of the superior court.
- 17 (C) Judge of the probate court.
- 18 (D) Prosecuting attorney.
- 19 (E) Circuit court clerk.
- 20 (4) County offices:
- 21 (A) County auditor.
- 22 (B) County recorder.
- 23 (C) County treasurer.
- 24 (D) County sheriff.
- 25 (E) County coroner.
- 26 (F) County surveyor.
- 27 (G) County assessor.
- 28 (H) County commissioner. **This clause applies only to a**
- 29 **county that is not subject to IC 36-2-2.5.**
- 30 **(I) Single county executive. This clause applies only to a**
- 31 **county that is subject to IC 36-2-2.5.**
- 32 **⊕ (J) County council member.**
- 33 (5) Township offices:
- 34 (A) Township assessor (only in a township referred to in
- 35 IC 36-6-5-1(d)).
- 36 (B) Township trustee.
- 37 (C) Township board member.
- 38 (D) Judge of the small claims court.
- 39 (E) Constable of the small claims court.
- 40 (6) City offices:
- 41 (A) Mayor.
- 42 (B) Clerk or clerk-treasurer.



- 1 (C) Judge of the city court.
- 2 (D) City-county council member or common council member.
- 3 (7) Town offices:
- 4 (A) Clerk-treasurer.
- 5 (B) Judge of the town court.
- 6 (C) Town council member.
- 7 (f) The political party offices with candidates for election shall be
- 8 placed on the primary election ballot in the following order after the
- 9 offices described in subsection (e):
- 10 (1) Precinct committeeman.
- 11 (2) State convention delegate.
- 12 (g) The local offices to be elected at the primary election shall be
- 13 placed on the primary election ballot after the offices described in
- 14 subsection (f).
- 15 (h) The offices described in subsection (g) shall be placed:
- 16 (1) in a separate column on the ballot if voting is by paper ballot;
- 17 (2) after the offices described in subsection (f) in the form
- 18 specified in IC 3-11-13-11 if voting is by ballot card; or
- 19 (3) either:
- 20 (A) on a separate screen for each office or public question; or
- 21 (B) after the offices described in subsection (f) in the form
- 22 specified in IC 3-11-14-3.5;
- 23 if voting is by an electronic voting system.
- 24 SECTION 30. IC 3-10-1-24, AS AMENDED BY P.L.271-2013,
- 25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 UPON PASSAGE]: Sec. 24. (a) A voter who desires to vote must give
- 27 the voter's name and political party to the poll clerks of the precinct on
- 28 primary election day. The poll clerks shall require the voter to write the
- 29 following on the poll list or to provide the following information for
- 30 entry into the electronic poll list:
- 31 (1) The voter's name.
- 32 (2) Except as provided in subsection (d), the voter's current
- 33 residence address.
- 34 (3) The name of the voter's party.
- 35 (b) The poll clerks shall:
- 36 (1) ask the voter to provide or update the voter's voter
- 37 identification number;
- 38 (2) tell the voter the number the voter may use as a voter
- 39 identification number; and
- 40 (3) explain to the voter that the voter is not required to provide a
- 41 voter identification number at the polls.
- 42 (c) If the voter is unable to sign the voter's name, the voter must sign



1 the poll list by mark, which must be witnessed by one (1) of the poll
 2 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the
 3 poll clerk's or assistant poll clerk's initials after or under the mark.

4 (d) The ~~electronic~~ poll list (or each line on a poll list sheet provided
 5 to take a voter's current residence address) must include a box under
 6 the heading "Address Unchanged" so that the voter may check the box
 7 instead of writing the voter's current address on the poll list, or if an
 8 electronic poll ~~list~~ **book** is used, the poll clerk may check the box after
 9 stating to the voter the address shown on the electronic poll list and
 10 receiving an oral affirmation from the voter that the voter's residence
 11 address shown on the poll list is the voter's current residence address
 12 instead of writing the voter's current residence address on the poll list
 13 or reentering the address in the electronic poll ~~list~~ **book**.

14 (e) If the voter makes:

15 (1) a written affirmation on the poll list **(or if an electronic poll**
 16 **book is used, a written affirmation in the manner described in**
 17 **IC 3-7-39-7)** that the voter resides at an address within the
 18 precinct but not at the address shown on the poll list for the
 19 precinct; or

20 (2) an oral affirmation of a change of address under IC 3-7-39-7;
 21 the county election board shall direct the county voter registration
 22 office to transfer the individual's voter registration record to the address
 23 within the precinct indicated by the voter.

24 SECTION 31. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 13. The following public officials shall be
 27 elected at the general election before their terms of office expire and
 28 every four (4) years thereafter:

- 29 (1) Clerk of the circuit court.
 30 (2) County auditor.
 31 (3) County recorder.
 32 (4) County treasurer.
 33 (5) County sheriff.
 34 (6) County coroner.
 35 (7) County surveyor.
 36 (8) County assessor.
 37 (9) County commissioner. **This subdivision applies only to a**
 38 **county that is not subject to IC 36-2-2.5.**
 39 **(10) Single county executive. This subdivision applies only to**
 40 **a county that is subject to IC 36-2-2.5.**
 41 ~~(11)~~ (11) County council member.
 42 ~~(12)~~ (12) Township trustee.



- 1 ~~(12)~~ **(13)** Township board member.
- 2 ~~(13)~~ **(14)** Township assessor (only in a township referred to in
- 3 IC 36-6-5-1(d)).
- 4 ~~(14)~~ **(15)** Judge of a small claims court.
- 5 ~~(15)~~ **(16)** Constable of a small claims court.
- 6 SECTION 32. IC 3-11-2-12, AS AMENDED BY P.L.6-2012,
- 7 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 UPON PASSAGE]: Sec. 12. The following offices shall be placed on
- 9 the general election ballot in the following order after the public
- 10 questions described in section 10(a) of this chapter:
- 11 (1) Federal and state offices:
- 12 (A) President and Vice President of the United States.
- 13 (B) United States Senator.
- 14 (C) Governor and lieutenant governor.
- 15 (D) Secretary of state.
- 16 (E) Auditor of state.
- 17 (F) Treasurer of state.
- 18 (G) Attorney general.
- 19 (H) Superintendent of public instruction.
- 20 (I) United States Representative.
- 21 (2) Legislative offices:
- 22 (A) State senator.
- 23 (B) State representative.
- 24 (3) Circuit offices and county judicial offices:
- 25 (A) Judge of the circuit court, and unless otherwise specified
- 26 under IC 33, with each division separate if there is more than
- 27 one (1) judge of the circuit court.
- 28 (B) Judge of the superior court, and unless otherwise specified
- 29 under IC 33, with each division separate if there is more than
- 30 one (1) judge of the superior court.
- 31 (C) Judge of the probate court.
- 32 (D) Prosecuting attorney.
- 33 (E) Clerk of the circuit court.
- 34 (4) County offices:
- 35 (A) County auditor.
- 36 (B) County recorder.
- 37 (C) County treasurer.
- 38 (D) County sheriff.
- 39 (E) County coroner.
- 40 (F) County surveyor.
- 41 (G) County assessor.
- 42 (H) County commissioner. **This clause applies only to a**



- 1 **county that is not subject to IC 36-2-2.5.**
- 2 **(I) Single county executive. This clause applies only to a**
- 3 **county that is subject to IC 36-2-2.5.**
- 4 **⊕ (J) County council member.**
- 5 (5) Township offices:
- 6 (A) Township assessor (only in a township referred to in
- 7 IC 36-6-5-1(d)).
- 8 (B) Township trustee.
- 9 (C) Township board member.
- 10 (D) Judge of the small claims court.
- 11 (E) Constable of the small claims court.
- 12 (6) City offices:
- 13 (A) Mayor.
- 14 (B) Clerk or clerk-treasurer.
- 15 (C) Judge of the city court.
- 16 (D) City-county council member or common council member.
- 17 (7) Town offices:
- 18 (A) Clerk-treasurer.
- 19 (B) Judge of the town court.
- 20 (C) Town council member.
- 21 SECTION 33. IC 3-11-3-11, AS AMENDED BY P.L.271-2013,
- 22 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (b),
- 24 the county election board shall deliver the following to each inspector
- 25 or the inspector's representative:
- 26 (1) The supplies provided for the inspector's precinct by the
- 27 election division.
- 28 (2) The ~~local~~ sample ballots, the ballot labels, if any, and all poll
- 29 lists, registration lists, and other supplies considered necessary to
- 30 conduct the election in the inspector's precinct.
- 31 (3) The ~~local~~ ballots printed under the direction of the county
- 32 election board as follows:
- 33 (A) In those precincts where ballot card voting systems are to
- 34 be used, the number of ballots at least equal to one hundred
- 35 percent (100%) of the number of voters in the inspector's
- 36 precinct, according to the poll list.
- 37 (B) In those precincts where electronic voting systems are to
- 38 be used, the number of ballots that will be required to be
- 39 printed and furnished to the precincts for emergency purposes
- 40 only.
- 41 (C) Provisional ballots in the number considered necessary by
- 42 the county election board.



- 1 (4) Twenty (20) ink pens suitable for printing the names of
 2 write-in candidates on the ballot or ballot envelope.
 3 (5) Copies of the voter's bill of rights for posting as required by 42
 4 U.S.C. 15482.
 5 (6) Copies of the instructions for a provisional voter required by
 6 42 U.S.C. 15482. The county election board shall provide at least
 7 the number of copies of the instructions as the number of
 8 provisional ballots provided under subdivision (3).
 9 (7) Copies of the notice for posting as required by IC 3-7-29-1(f).
 10 (8) The blank voter registration applications required to be
 11 provided under IC 3-7-48-7(b).
 12 (b) This subsection applies to a county that:
 13 (1) has adopted an order under ~~section 6 of this chapter;~~
 14 **IC 3-7-29-6;** or
 15 (2) is a vote center county under IC 3-11-18.1.
 16 The county election board shall deliver and install the hardware,
 17 firmware, and software necessary to use an electronic poll ~~list book~~
 18 in each precinct or vote center.
 19 SECTION 34. IC 3-11-3-29.4, AS ADDED BY P.L.194-2013,
 20 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 29.4. (a) This section applies to a candidate
 22 who has filed with a circuit court clerk or board of elections and
 23 registration as a candidate for:
 24 (1) nomination in a primary election or municipal primary
 25 election; **or**
 26 (2) **election to a political party office in a primary election.**
 27 (b) If the county election board determines by unanimous vote of the
 28 entire membership that there is good cause to believe that a candidate
 29 has died, the board shall not print the name of the candidate on the
 30 primary ballot.
 31 (c) However, if the county election board has already printed ballots
 32 containing the name of the deceased candidate, the county may provide
 33 those ballots to voters and shall not reprint the ballot to remove the
 34 name of the deceased candidate.
 35 (d) A voter who has cast a ballot containing the name of a deceased
 36 candidate is entitled to request a replacement absentee ballot under
 37 IC 3-11-10-1.5.
 38 (e) Any vote cast for a deceased candidate in the primary election
 39 is void.
 40 SECTION 35. IC 3-11-7-15, AS AMENDED BY P.L.221-2005,
 41 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 15. (a) A vendor may apply for approval of a



1 proposed improvement or change to a ballot card voting system that is
 2 currently certified by the commission. A proposed improvement or
 3 change may not be marketed, sold, leased, installed, or implemented in
 4 Indiana before the application for the improvement or change is
 5 approved by the commission.

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

8 (c) The vendor applying for approval of an improvement or a
 9 change must have the improvement or change to the voting system
 10 tested by an independent laboratory accredited under 42 U.S.C. 15371.
 11 The vendor shall pay any testing expenses incurred under this
 12 subsection.

13 (d) The election division (or the person designated under
 14 IC 3-11-16) shall review the proposed improvement or change to the
 15 voting system and **the results of the testing by the independent**
 16 **laboratory under subsection (c) and** report the results of the review
 17 to the commission. The review must indicate **whether the proposed**
 18 **improvement or change:**

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

22 (2) ~~whether the proposed improvement or is a de minimis change~~
 23 **or a modification;**

24 (3) **if the proposed improvement or change is a modification,**
 25 **whether the modification may be installed and implemented**
 26 **without any significant likelihood that the voting system**
 27 **would be configured or perform its functions in violation of**
 28 **HAVA or this title; and**

29 (4) would comply with HAVA and the standards set forth in this
 30 chapter and IC 3-11-15.

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

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

37 SECTION 36. IC 3-11-7.5-5, AS AMENDED BY P.L.221-2005,
 38 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 5. (a) A vendor may apply for approval of a
 40 proposed improvement or change to an electronic voting system that is
 41 currently certified by the commission. A proposed improvement or
 42 change may not be marketed, sold, leased, installed, or implemented in



1 Indiana before the application for the improvement or change is
2 approved by the commission.

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

5 (c) The vendor applying for approval of an improvement or a
6 change must have the improvement or change to the voting system
7 tested by an independent laboratory accredited under 42 U.S.C. 15371.
8 The vendor shall pay any testing expenses incurred under this
9 subsection.

10 (d) The election division (or the person designated under
11 IC 3-11-16) shall review the improvement or change to the voting
12 system and **the results of the testing by the independent laboratory**
13 **under subsection (c) and** report the results of the review to the
14 commission. The review must indicate **whether the proposed**
15 **improvement or change:**

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

19 (2) ~~whether the proposed improvement or is a de minimis change~~
20 **or a modification;**

21 (3) **if the proposed improvement or change is a modification,**
22 **whether the modification may be installed and implemented**
23 **without any significant likelihood that the voting system**
24 **would be configured or perform its functions in violation of**
25 **HAVA or this title; and**

26 (4) would comply with HAVA and the standards set forth in this
27 chapter and IC 3-11-15.

28 (e) After the commission has examined and approved the
29 application for an improvement or change to an electronic voting
30 system (**including a de minimis change**), the improvement or change
31 may be marketed, sold, leased, installed, or implemented in Indiana.

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

34 SECTION 37. IC 3-11-7.5-7, AS AMENDED BY P.L.221-2005,
35 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: Sec. 7. The commission may not approve the
37 marketing, sale, lease, installation, or implementation of an electronic
38 voting system unless the system meets the specifications in sections 8
39 through ~~19~~ **18** of this chapter and in IC 3-11-15.

40 SECTION 38. IC 3-11-7.5-19 IS REPEALED [EFFECTIVE UPON
41 PASSAGE]. ~~Sec. 19: An electronic voting system must have the frame~~
42 ~~in which the ballot label is placed constructed with a transparent~~



1 ~~protective sheet in order that the names cannot be mutilated or altered:~~

2 SECTION 39. IC 3-11-8-10.3, AS AMENDED BY P.L.219-2013,
3 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 10.3. (a) As used in this section, "electronic
5 poll list" refers to a poll list that is maintained in a computer data base.

6 (b) An electronic poll list must satisfy all of the following:

7 (1) An electronic poll list must be programmed so that the
8 coordinated action of two (2) election officers who are not
9 members of the same political party is necessary to access the
10 electronic poll list.

11 (2) An electronic poll list may not be connected to a voting
12 system.

13 (3) An electronic poll list may not permit access to voter
14 information other than:

15 (A) information provided on the certified list of voters
16 prepared under IC 3-7-29-1; or

17 (B) information concerning any of the following received or
18 issued after the electronic poll list has been downloaded by the
19 county election board under IC 3-7-29-6:

20 (i) The county's receipt of an absentee ballot from the voter.

21 (ii) The county's receipt of additional documentation
22 provided by the voter to the county voter registration office.

23 (iii) The county's issuance of a certificate of error.

24 (4) The information contained on an electronic poll list must be
25 ~~encrypted~~ **secure** and placed on a dedicated, private server to
26 secure connectivity between a precinct polling place or satellite
27 absentee office and the county election board. The electronic poll
28 book must have the capability of:

29 (A) storing (in external or internal memory) a local version of
30 the data base; and

31 (B) producing a list of audit records that reflect all of the
32 idiosyncrasies of the system, including in-process audit
33 records that set forth all transactions.

34 (5) The electronic poll list must permit a poll clerk to enter
35 information regarding an individual who has appeared to vote to
36 verify whether the individual is eligible to vote, and if so, whether
37 the voter has:

38 (A) already cast a ballot at the election;

39 (B) returned an absentee ballot; or

40 (C) submitted any additional documentation required under
41 IC 3-7-33-4.5.

42 (6) After the voter has been provided with a ballot, the electronic



- 1 poll list must permit a poll clerk to enter information indicating
 2 that the voter has voted at the election.
- 3 (7) The electronic poll list must transmit the information in
 4 subdivision (6) to the county election board so that the board may
 5 transmit the information immediately to every other polling place
 6 or satellite absentee office in the county in which an electronic
 7 poll list is being used.
- 8 (8) The electronic poll list must permit reports to be:
- 9 (A) generated by a county election board for a watcher
 10 appointed under IC 3-6-8 at any time during election day; and
 11 (B) electronically transmitted by the county election board to
 12 a political party or independent candidate who has appointed
 13 a watcher under IC 3-6-8.
- 14 (9) On each day after absentee ballots are cast before an absentee
 15 voter board in the circuit court clerk's office, a satellite office, or
 16 a vote center, and after election day, the electronic poll list must
 17 permit voter history to be quickly and accurately uploaded into
 18 the computerized list.
- 19 (10) The electronic poll list must be able to display an electronic
 20 image of the signature of a voter taken from the voter's
 21 registration application, if available.
- 22 (11) The electronic poll list must be used with a signature pad,
 23 tablet, or other signature capturing device that permits the voter
 24 to make an electronic signature for comparison with the signature
 25 displayed under subdivision (10). An image of the electronic
 26 signature made by the voter on the signature pad, tablet, or other
 27 signature capturing device must be retained and identified as the
 28 signature of the voter for the period required for retention under
 29 IC 3-10-1-31.1.
- 30 (12) The electronic poll list must include a bar code reader or
 31 tablet that:
- 32 (A) permits a voter who presents an Indiana driver's license or
 33 a state identification card issued under IC 9-24-16 to scan the
 34 license or card through the bar code reader or tablet; and
 35 (B) has the capability to display the voter's registration record
 36 upon processing the information contained within the bar code
 37 on the license or card.
- 38 (13) The electronic poll list must be compatible with:
- 39 (A) any hardware attached to the poll book, such as signature
 40 pads, bar code scanners, and network cards;
 41 (B) the statewide voter registration system; and
 42 (C) any software system used to prepare voter information to



- 1 be included on the electronic poll list.
- 2 (14) The electronic poll list must have the ability to be used in
- 3 conformity with this title for:
- 4 (A) any type of election conducted in Indiana; or
- 5 (B) any combination of elections held concurrently with a
- 6 general election, municipal election, primary election, or
- 7 special election.
- 8 (15) The procedures for setting up, using, and shutting down an
- 9 electronic poll list must:
- 10 (A) be reasonably easy for a precinct election officer to learn,
- 11 understand, and perform; and
- 12 (B) not require a significant amount of training in addition to
- 13 the training required by IC 3-6-6-40.
- 14 (16) The electronic poll list must enable a precinct election officer
- 15 to verify that the electronic poll list:
- 16 (A) has been set up correctly;
- 17 (B) is working correctly so as to verify the eligibility of the
- 18 voter;
- 19 (C) is correctly recording that a voter has voted; and
- 20 (D) has been shut down correctly.
- 21 (17) The electronic poll list must include the following
- 22 documentation:
- 23 (A) Plainly worded, complete, and detailed instructions
- 24 sufficient for a precinct election officer to set up, use, and shut
- 25 down the electronic poll list.
- 26 (B) Training materials that:
- 27 (i) may be in written or video form; and
- 28 (ii) must be in a format suitable for use at a polling place,
- 29 such as simple "how to" guides.
- 30 (C) Failsafe data recovery procedures for information included
- 31 in the electronic poll list.
- 32 (D) Usability tests:
- 33 (i) that are conducted by the manufacturer of the electronic
- 34 poll list using individuals who are representative of the
- 35 general public;
- 36 (ii) that include the setting up, using, and shutting down of
- 37 the electronic poll list; and
- 38 (iii) that report their results using the ANSI/INCITS -354
- 39 Common Industry Format (CIF) for Usability Test Reports
- 40 approved by the American National Standards Institute
- 41 (ANSI) on December 12, 2001.
- 42 (E) A clear model of the electronic poll list system architecture



- 1 and the following documentation:
- 2 (i) End user documentation.
- 3 (ii) System-level documentation.
- 4 (iii) Developer documentation.
- 5 (F) Detailed information concerning:
- 6 (i) electronic poll list consumables; and
- 7 (ii) the vendor's supply chain for those consumables.
- 8 (G) Vendor internal quality assurance procedures and any
- 9 internal or external test data and reports available to the
- 10 vendor concerning the electronic poll list.
- 11 (H) Repair and maintenance policies for the electronic poll
- 12 list.
- 13 (I) As of the date of the vendor's application for approval of
- 14 the electronic poll list by the secretary of state as required by
- 15 ~~IC 3-11-18.1-12(2)~~, **IC 3-11-18.1-12**, the following:
- 16 (i) A list of customers who are using or have previously used
- 17 the vendor's electronic poll list.
- 18 (ii) A description of any known anomalies involving the
- 19 functioning of the electronic poll list, including how those
- 20 anomalies were resolved.
- 21 (18) The electronic poll list and any hardware attached to the poll
- 22 book must be designed to prevent injury or damage to any
- 23 individual or the hardware, including fire and electrical hazards.
- 24 (19) The electronic poll list must demonstrate that it correctly
- 25 processes all activity regarding each voter registration record,
- 26 ~~included on the list~~, including the use, alteration, storage, and
- 27 transmittal of information that is part of the record. Compliance
- 28 with this subdivision requires the mapping of the data life cycle
- 29 of the voter registration record as processed by the electronic poll
- 30 list.
- 31 (20) The electronic poll list must successfully perform in
- 32 accordance with all representations concerning functionality,
- 33 usability, security, accessibility, and sustainability made in the
- 34 vendor's application for approval of the electronic poll list by the
- 35 secretary of state as required by ~~IC 3-11-18.1-12(2)~~.
- 36 **IC 3-11-18.1-12.**
- 37 (21) The electronic poll list must have the capacity to transmit all
- 38 information generated by the voter or poll clerk as part of the
- 39 process of casting a ballot, including the time and date stamp
- 40 indicating when the voter voted, and the electronic signature of
- 41 the voter, for retention on the dedicated private server maintained
- 42 by the county election board for the period required by Indiana



1 and federal law.

2 (22) The electronic poll list must:

3 (A) permit a voter to sign the poll list even when there is a
4 temporary interruption in connectivity to the Internet; and

5 (B) provide for the uploading of each signature and its
6 assignment to the voter's registration record.

7 SECTION 40. IC 3-11-8-25.1, AS AMENDED BY P.L.219-2013,
8 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e),
10 a voter who desires to vote an official ballot at an election shall provide
11 proof of identification.

12 (b) Except as provided in subsection (e), before the voter proceeds
13 to vote in the election, a precinct election officer shall ask the voter to
14 provide proof of identification. One (1) of each of the precinct election
15 officers nominated by each county chairman of a major political party
16 of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter
17 to provide proof of identification. The voter shall produce the proof of
18 identification to each precinct officer requesting the proof of
19 identification before being permitted to sign the poll list.

20 (c) If:

21 (1) the voter is unable or declines to present the proof of
22 identification; or

23 (2) a member of the precinct election board determines that the
24 proof of identification provided by the voter does not qualify as
25 proof of identification under IC 3-5-2-40.5;

26 a member of the precinct election board shall challenge the voter as
27 prescribed by this chapter.

28 (d) If the voter executes a challenged voter's affidavit under section
29 22.1 of this chapter, the voter may:

30 (1) sign the poll list; and

31 (2) receive a provisional ballot.

32 (e) A voter who votes in person at a precinct polling place that is
33 located at a state licensed care facility where the voter resides is not
34 required to provide proof of identification before voting in an election.

35 (f) After a voter has passed the challengers or has been sworn in, the
36 voter shall be instructed by a member of the precinct election board to
37 proceed to the location where the poll clerks are stationed. The voter
38 shall announce the voter's name to the poll clerks or assistant poll
39 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
40 election board shall require the voter to write the following on the poll
41 list or to provide the following information for entry into the electronic
42 poll list:



- 1 (1) The voter's name.
- 2 (2) Except as provided in subsection (k), the voter's current
3 residence address.
- 4 (g) The poll clerk, an assistant poll clerk, or a member of the
5 precinct election board shall:
- 6 (1) ask the voter to provide or update the voter's voter
7 identification number;
- 8 (2) tell the voter the number the voter may use as a voter
9 identification number; and
- 10 (3) explain to the voter that the voter is not required to provide or
11 update a voter identification number at the polls.
- 12 (h) The poll clerk, an assistant poll clerk, or a member of the
13 precinct election board shall ask the voter to provide proof of
14 identification.
- 15 (i) In case of doubt concerning a voter's identity, the precinct
16 election board shall compare the voter's signature with the signature on
17 the affidavit of registration or any certified copy of the signature
18 provided under IC 3-7-29 or enter the information into the electronic
19 poll list: **book**. If the board determines that the voter's signature is
20 authentic, the voter may then vote. If either poll clerk doubts the voter's
21 identity following comparison of the signatures, the poll clerk shall
22 challenge the voter in the manner prescribed by section 21 of this
23 chapter.
- 24 (j) If, in a precinct governed by subsection (g):
- 25 (1) the poll clerk does not execute a challenger's affidavit; or
26 (2) the voter executes a challenged voter's affidavit under section
27 22.1 of this chapter or executed the affidavit before signing the
28 poll list;
- 29 the voter may then vote.
- 30 (k) The electronic poll list (or each line on a poll list sheet provided
31 to take a voter's current address) must include a box under the heading
32 "Address Unchanged" so that the voter may check the box instead of
33 writing the voter's current address on the poll list, or if an electronic
34 poll list is used, the poll clerk may check the box after stating to the
35 voter the address shown on the electronic poll list **book** and receiving
36 an oral affirmation from the voter that the voter's residence address
37 shown on the poll list is the voter's current residence address instead of
38 writing the voter's current residence address on the poll list or
39 reentering the address in the electronic poll list: **book**.
- 40 (l) If the voter indicates that the voter's current residence is located
41 within another county in Indiana, the voter is considered to have
42 directed the county voter registration office of the county where the



1 precinct is located to cancel the voter registration record within the
 2 county. The precinct election board shall provide the voter with a voter
 3 registration application for the voter to complete and file with the
 4 county voter registration office of the county where the voter's current
 5 residence address is located.

6 (m) If the voter indicates that the voter's current residence is located
 7 outside Indiana, the voter is considered to have directed the county
 8 voter registration office of the county where the precinct is located to
 9 cancel the voter registration record within the county.

10 SECTION 41. IC 3-11-8-26.1, AS AMENDED BY P.L.271-2013,
 11 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 26.1. (a) If a voter:

13 (1) cannot sign; or

14 (2) is a voter with a disability that makes it difficult for the voter
 15 to sign;

16 the voter's name and address, the poll clerks shall, by proper
 17 interrogation, satisfy themselves that the voter is the person the voter
 18 represents the voter to be.

19 (b) If satisfied as to the voter's identity under subsection (a), one (1)
 20 of the poll clerks shall then place the following on the poll list or enter
 21 the information into the electronic poll ~~list~~ **book**:

22 (1) The voter's name.

23 (2) Except as provided in subsection (e), the voter's current
 24 residence address.

25 (c) The poll clerks shall:

26 (1) ask the voter to provide or update the voter's voter
 27 identification number;

28 (2) tell the voter the number the voter may use as a voter
 29 identification number; and

30 (3) explain to the voter that the voter is not required to provide or
 31 update a voter identification number at the polls.

32 (d) The poll clerk shall then add the clerk's initials in parentheses,
 33 after or under the signature. The voter then may vote.

34 (e) The ~~electronic~~ poll list (or each line on a poll list sheet provided
 35 to take a voter's current residence address) must include a box under
 36 the heading "Address Unchanged" so that the voter may check the box
 37 instead of writing the voter's current address on the poll list, or if an
 38 electronic poll ~~list~~ **book** is used, the poll clerk may check the box after
 39 stating to the voter the address shown on the electronic poll list and
 40 receiving an oral affirmation from the voter that the voter's residence
 41 address shown on the poll list is the voter's current residence address
 42 instead of writing the voter's current residence address on the poll list



1 or reentering the address in the electronic poll ~~list~~ **book.**

2 SECTION 42. IC 3-11-13-28, AS AMENDED BY HEA 1096-2014,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 28. (a) This section does not apply:

5 (1) to a ballot card voted by absentee ballot; or

6 (2) **in a vote center county using an electronic poll book and
7 a printer separate from the electronic poll book.**

8 (b) The two (2) poll clerks of each precinct shall place their initials
9 in ink on the back of each ballot card:

10 (1) at the time the card is issued to a voter; or

11 (2) in the case of a ballot marked by a marking device for an
12 optical scan ballot, before the ballot is placed into the tabulating
13 device.

14 The initials must be in the poll clerks' ordinary handwriting or printing
15 and without a distinguishing mark of any kind.

16 (c) Except as provided in IC 3-12-1-12, a ballot card is not valid
17 unless it is initialed by both poll clerks.

18 SECTION 43. IC 3-11-13-28.2 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE UPON PASSAGE]: **Sec. 28.2. (a) This section:**

21 (1) **does not apply to a ballot card voted by absentee ballot;**
22 **and**

23 (2) **applies in a vote center county using an electronic poll
24 book and a printer separate from the electronic poll book.**

25 (b) **The printed initials of the poll clerks captured through the
26 electronic signature pad or tablet at the time the poll clerks log
27 onto the electronic poll book system may be printed by a printer
28 separate from the electronic poll book on the back of each ballot
29 card immediately before the ballot card is delivered to the voter.**

30 (c) **Except as provided in IC 3-12-1-12, a ballot card is not valid
31 unless immediately before the ballot card is delivered to the voter:**

32 (1) **the ballot card is initialed by both poll clerks; and**

33 (2) **the initials of both poll clerks are printed on the back of
34 the ballot in accordance with subsection (b).**

35 SECTION 44. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005,
36 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 31.7. (a) This section is enacted to comply
38 with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory
39 standards to define what constitutes a vote on an optical scan voting
40 system.

41 (b) After receiving ballot cards, a voter shall, without leaving the
42 room, go alone into one (1) of the booths or compartments that is



- 1 unoccupied and indicate:
- 2 (1) the candidates for whom the voter desires to vote by marking
- 3 the connectable arrows, circles, ovals, or squares immediately
- 4 beside:
- 5 (A) the candidates' names; or
- 6 (B) the numbers referring to the candidates; and
- 7 (2) the voter's preference on each public question by marking the
- 8 connectable arrow, oval, or square beside:
- 9 (A) the word "yes" or "no" under the question; or
- 10 (B) the number referring to the word "yes" or "no" on the
- 11 ballot.
- 12 (c) If an election is a general or municipal election and a voter
- 13 desires to vote for all the candidates of one (1) political party or
- 14 independent ticket (described in IC 3-11-2-6), the voter may mark:
- 15 (1) the circle enclosing the device; or
- 16 (2) the connectable arrow, circle, oval, or square described in
- 17 section 11 of this chapter;
- 18 that designates the candidates of that political party or independent
- 19 ticket (described in IC 3-11-2-6). The voter's vote shall then be counted
- 20 for all the candidates of that political party or included in the
- 21 independent ticket (described in IC 3-11-2-6). However, if the voter
- 22 marks the circle, arrow, oval, or square of an independent ticket
- 23 (described in IC 3-11-2-6), the vote shall not be counted for any other
- 24 independent candidate on the ballot.
- 25 **(d) This subsection applies to a voter casting a ballot on a voting**
- 26 **system that includes features of both an optical scan ballot card**
- 27 **voting system and a direct record electronic voting system. After**
- 28 **entering into a booth used with the voting system, the voter shall**
- 29 **indicate the candidates for whom the voter desires to vote and the**
- 30 **voter's preference on each public question by:**
- 31 **(1) inserting a paper ballot or an optical scan ballot into the**
- 32 **voting system; or**
- 33 **(2) using headphones to listen to a recorded list of political**
- 34 **parties, candidates, and public questions.**
- 35 **(e) A voter using a voting system described in subsection (d)**
- 36 **may indicate the voter's selections by:**
- 37 **(1) touching a device on or in the squares immediately**
- 38 **adjacent to the name of a political party, candidate, or**
- 39 **response to a public question; or**
- 40 **(2) indicating the voter's choices by using a sip puff device**
- 41 **that enables the voter to indicate a choice by inhaling or**
- 42 **exhaling.**



1 SECTION 45. IC 3-11-14-3.5, AS AMENDED BY P.L.194-2013,
 2 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2014]: Sec. 3.5. (a) Each county election board shall have the
 4 names of all candidates for all elected offices, political party offices,
 5 and public questions printed on ballot labels for use in an electronic
 6 voting system as provided in this chapter.

7 (b) The county may:

8 (1) print all offices and public questions on a single ballot label;
 9 and

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

12 (c) Each type of ballot label ~~or poster~~ must be of uniform size and
 13 of the same quality and color of paper (except as permitted under
 14 IC 3-10-1-17).

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

23 (e) The ballot labels must list the offices and public questions on the
 24 general election ballot in the order listed in IC 3-11-2-12,
 25 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),
 26 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
 27 IC 3-11-2-14(d). Each office and public question may have a separate
 28 screen, or the offices and public questions may be listed in a
 29 continuous column either vertically or horizontally.

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

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

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

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

42 (1) The major political party whose candidate received the highest



- 1 number of votes in the county for secretary of state at the last
 2 election is listed first.
- 3 (2) The major political party whose candidate received the second
 4 highest number of votes in the county for secretary of state is
 5 listed second.
- 6 (3) All other political parties listed in the order that the parties'
 7 candidates for secretary of state finished in the last election are
 8 listed after the party listed in subdivision (2).
- 9 (4) If a political party did not have a candidate for secretary of
 10 state in the last election or a nominee is an independent candidate
 11 or independent ticket (described in IC 3-11-2-6), the party or
 12 candidate is listed after the parties described in subdivisions (1),
 13 (2), and (3).
- 14 (5) If more than one (1) political party or independent candidate
 15 or ticket described in subdivision (4) qualifies to be on the ballot,
 16 the parties, candidates, or tickets are listed in the order in which
 17 the party filed its petition of nomination under IC 3-8-6-12.
- 18 (6) A space for write-in voting is placed after the candidates listed
 19 in subdivisions (1) through (5), if required by law. A space for
 20 write-in voting for an office is not required if there are no
 21 declared write-in candidates for that office. However, procedures
 22 must be implemented to permit write-in voting for candidates for
 23 federal offices.
- 24 (7) The name of a write-in candidate may not be listed on the
 25 ballot.
- 26 (h) The names of the candidates grouped in the order established by
 27 subsection (g) must be printed in type with uniform capital letters and
 28 have a uniform space between each name. The name of the candidate's
 29 political party, or the word "Independent", if the:
 30 (1) candidate; or
 31 (2) ticket of candidates for:
 32 (A) President and Vice President of the United States; or
 33 (B) governor and lieutenant governor;
 34 is independent, must be placed immediately below or beside the name
 35 of the candidate and must be printed in uniform size and type.
- 36 (i) All the candidates of the same political party for election to
 37 at-large seats on the fiscal or legislative body of a political subdivision
 38 must be grouped together:
 39 (1) under the name of the office that the candidates are seeking;
 40 (2) in the party order established by subsection (g); and
 41 (3) within the political party, in alphabetical order according to
 42 surname.



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

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

- 7 (1) under the name of the office that the candidates are seeking;
 8 and
 9 (2) in alphabetical order according to surname.

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

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

17 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and
 18 IC 3-11-2-10(e) may be:

- 19 (1) placed on the ballot label; or
 20 (2) posted in a location within the voting booth that permits the
 21 voter to easily read the instructions.

22 (m) The ballot label must include a touch sensitive point or button
 23 for voting a straight political party or independent ticket (described in
 24 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button
 25 must be identified by:

- 26 (1) the name of the political party or independent ticket; and
 27 (2) immediately below or beside the political party's or
 28 independent ticket's name, the device of that party or ticket
 29 (described in IC 3-11-2-5).

30 The name and device of each party or ticket must be of uniform size
 31 and type, and arranged in the order established by subsection (g) for
 32 listing candidates under each office. The instructions described in
 33 IC 3-11-2-10(c) for voting a straight party ticket and the statement
 34 concerning presidential electors required under IC 3-10-4-3 may be
 35 placed on the ballot label or in a location within the voting booth that
 36 permits the voter to easily read the instructions.

37 (n) A public question must be in the form described in
 38 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
 39 point or button must be used instead of a square. Except as expressly
 40 authorized or required by statute, a county election board may not print
 41 a ballot label that contains language concerning the public question
 42 other than the language authorized by a statute.



- 1 (o) The requirements in this section:
 2 (1) do not replace; and
 3 (2) are in addition to;
 4 any other requirements in this title that apply to ballots for electronic
 5 voting systems.
 6 (p) The procedure described in IC 3-11-2-16 must be used when a
 7 ballot label does not comply with the requirements imposed by this title
 8 or contains another error or omission that might result in confusion or
 9 mistakes by voters.
- 10 SECTION 46. IC 3-11-18.1-4, AS AMENDED BY P.L.258-2013,
 11 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 4. The plan required by section 3 of this
 13 chapter must include at least the following:
- 14 (1) The total number of vote centers to be established.
 - 15 (2) The location of each vote center.
 - 16 (3) The effective date of the order.
 - 17 (4) The following information according to the computerized list
 18 (as defined in IC 3-7-26.3-2) as of the date of the order:
 - 19 (A) The total number of voters within the county.
 - 20 (B) The number of active voters within the county.
 - 21 (C) The number of inactive voters within the county.
 - 22 (5) For each vote center designated under subdivision (2), a list
 23 of the precincts whose polls will be located at the vote center
 24 consistent with section 13 of this chapter for an election that is not
 25 being held in each precinct of the county.
 - 26 (6) For each vote center designated under subdivision (2), the
 27 number of precinct election boards that will be appointed to
 28 administer an election at the vote center.
 - 29 (7) For each precinct election board designated under subdivision
 30 (6), the number and name of each precinct the precinct election
 31 board will administer consistent with section 13 of this chapter for
 32 an election that is not being held in each precinct of the county.
 - 33 (8) For each vote center designated under subdivision (2), the
 34 number and title of the precinct election officers who will be
 35 appointed to serve at the vote center.
 - 36 (9) For each vote center designated under subdivision (2):
 - 37 (A) the number and type of ballot variations that will be
 38 provided at the vote center; and
 - 39 (B) whether these ballots will be:
 - 40 (i) delivered to the vote center before the opening of the
 41 polls; or
 - 42 (ii) printed on demand for a voter's use.



- 1 (10) A detailed description of any hardware, firmware, or
 2 software used:
 3 (A) to create an electronic poll list for each precinct whose
 4 polls are to be located at a vote center; or
 5 (B) to **establish manage data in an electronic poll book**
 6 **through** a secure electronic connection between the county
 7 election board and the precinct election officials administering
 8 a vote center.
- 9 (11) A description of the equipment and procedures to be used to
 10 ensure that information concerning a voter entered into any
 11 electronic poll list used by precinct election officers at a vote
 12 center is immediately accessible to:
 13 (A) the county election board; and
 14 (B) the electronic poll lists used by precinct election officers
 15 at all other vote centers in the county.
- 16 (12) For each precinct designated under subdivision (5), the
 17 number of electronic poll lists to be provided for the precinct.
- 18 (13) The security and contingency plans to be implemented by the
 19 county to do all of the following:
 20 (A) Prevent a disruption of the vote center process.
 21 (B) Ensure that the election is properly conducted if a
 22 disruption occurs.
 23 (C) Prevent access to an electronic poll **list book** without the
 24 coordinated action of two (2) precinct election officers who are
 25 not members of the same political party.
- 26 (14) A certification that the vote center complies with the
 27 accessibility requirements applicable to polling places under
 28 IC 3-11-8.
- 29 (15) A sketch depicting the planned layout of the vote center,
 30 indicating the location of:
 31 (A) equipment; and
 32 (B) precinct election officers;
 33 within the vote center.
- 34 (16) The total number and locations of satellite offices to be
 35 established under IC 3-11-10-26.3 at vote center locations
 36 designated under subdivision (2) to allow voters to cast absentee
 37 ballots in accordance with IC 3-11. However, a plan must provide
 38 for at least one (1) vote center to be established as a satellite
 39 office under IC 3-11-10-26.3 on the two (2) Saturdays
 40 immediately preceding an election day.
- 41 (17) The method and timing of providing voter data to persons
 42 who are entitled to receive the data under this title. Data shall be



- 1 provided to all persons entitled to the data without unreasonable
2 delay.
- 3 (18) That the county election board shall adopt a resolution under
4 IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of
5 absentee ballots applicable to the county (if the board has not
6 already done so).
- 7 SECTION 47. IC 3-11-18.1-12, AS AMENDED BY P.L.271-2013,
8 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 12. (a) Notwithstanding any other law, the
10 electronic poll ~~list~~ **book** used at each vote center must:
11 (1) comply with IC 3-11-8-10.3; and
12 (2) be approved by the secretary of state in accordance with this
13 section.
- 14 (b) A person who wishes to market, sell, lease, or provide an
15 electronic poll book for use in an election in Indiana must first file an
16 application for certification with the election division on a form
17 prescribed by the secretary of state.
- 18 (c) The secretary of state shall refer the application to the person or
19 entity conducting the voting system technical oversight program
20 (VSTOP) established by IC 3-11-16-2.
- 21 (d) The VSTOP shall examine the electronic poll book with its
22 accompanying documentation and file a report with the secretary of
23 state indicating:
24 (1) whether the electronic poll book would operate in compliance
25 with this title;
26 (2) any recommendations regarding the acquisition or use of the
27 electronic poll book; and
28 (3) whether VSTOP recommends that the secretary of state
29 approve the electronic poll book under this section, including any
30 recommended restrictions that should be placed on the secretary
31 of state's approval.
- 32 (e) After the report required by subsection (d) is filed, the secretary
33 of state may approve the application for certification permitting the
34 electronic poll book to be used in an election in Indiana.
- 35 (f) A certification under this section expires on December 31 of the
36 year following the date of its issuance, unless earlier revoked by the
37 secretary of state upon a written finding of good cause for the
38 revocation.
- 39 SECTION 48. IC 3-11.5-4-1, AS AMENDED BY P.L.271-2013,
40 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 1. Each circuit court clerk shall do the
42 following:



- 1 (1) Keep a separate absentee ballot record for each precinct in the
 2 county.
- 3 (2) This subdivision applies to a county in which the county voter
 4 registration office prepares a certified list of all voters registered
 5 to vote in each precinct in the county under IC 3-7-29-1. Certify
 6 to each inspector or the inspector's representative, at the time that
 7 the ballots and supplies are delivered under IC 3-11-3, the names
 8 of the voters:
- 9 (A) to whom absentee ballots were sent or who marked ballots
 10 in person; and
- 11 (B) whose ballots have been received by the county election
 12 board under IC 3-11-10.
- 13 (3) This subdivision applies to a county that has adopted an order
 14 to use an electronic poll **list book** under IC 3-7-29-6 or is a voter
 15 center county under IC 3-11-18.1. Certify at the time the county
 16 voter registration office downloads information to an electronic
 17 poll **list book** under IC 3-7-29-6(c), the names of the voters:
- 18 (A) to whom absentee ballots were sent or who marked ballots
 19 in person; and
- 20 (B) whose ballots have been received by the county election
 21 board under IC 3-11-10.
- 22 SECTION 49. IC 3-11.5-4-8, AS AMENDED BY P.L.271-2013,
 23 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 8. (a) This section does not apply to a county
 25 that:
- 26 (1) has adopted an order to use an electronic poll **list book** under
 27 IC 3-7-29-6; or
- 28 (2) is a vote center county under IC 3-11-18.1;
- 29 if the electronic poll **list book** used at a polling place or vote center is
 30 immediately updated to indicate the county received, not later than
 31 noon on election day, an absentee ballot from a voter.
- 32 (b) Each county election board shall certify the names of voters:
- 33 (1) to whom absentee ballots were sent or who marked ballots in
 34 person; and
- 35 (2) whose ballots have been received by the board under this
 36 chapter;
- 37 after the certification under section 1 of this chapter and not later than
 38 noon on election day.
- 39 (c) The county election board shall have:
- 40 (1) the certificates described in subsection (b); and
- 41 (2) the circuit court clerk's certificates for voters who have
 42 registered and voted under IC 3-7-36-14;



1 delivered to the precinct election boards at their respective polls on
2 election day by couriers appointed under section 22 of this chapter.

3 (d) The certificates shall be delivered not later than 3 p.m. on
4 election day.

5 SECTION 50. IC 3-11.5-4-9, AS AMENDED BY P.L.271-2013,
6 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 9. (a) This section does not apply to a county
8 that:

9 (1) has adopted an order to use an electronic poll **list book** under
10 IC 3-7-29-6; or

11 (2) is a vote center county under IC 3-11-18.1;
12 if the electronic poll **list book** used at a polling place or vote center is
13 immediately updated to indicate that the county received, not later than
14 noon on election day, an absentee ballot from a voter.

15 (b) Upon delivery of the certificates under section 8 of this chapter
16 to a precinct election board, the inspector shall do the following in the
17 presence of the poll clerks:

18 (1) Mark the poll list.

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

21 The poll clerks shall sign the statement printed on the certificate
22 indicating that the inspector marked the poll list and attached the
23 certificates under this section in the presence of both poll clerks to
24 indicate that the absentee ballot of the voter has been received by the
25 county election board.

26 (c) The inspector shall then deposit:

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

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

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

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

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

36 (e) The couriers shall immediately return the envelope described in
37 subsection (c) to the county election board. Upon delivering the
38 envelope to the county election board, each courier shall sign a
39 statement printed on the envelope indicating that the courier has not
40 opened or tampered with the envelope since the envelope was delivered
41 to the courier.

42 SECTION 51. IC 3-11.5-4-11, AS AMENDED BY P.L.258-2013,



1 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (b),
3 at any time after the couriers return the certificate under section 9 of
4 this chapter, absentee ballot counters appointed under section 22 of this
5 chapter, in the presence of the county election board, shall, except for
6 a ballot rejected under section 13 of this chapter:

7 (1) open the outer or carrier envelope containing an absentee
8 ballot envelope and application;

9 (2) announce the absentee voter's name; and

10 (3) compare the signature upon the application with the signature
11 upon the affidavit on the ballot envelope or transmitted affidavit.

12 (b) This subsection applies to a county that:

13 (1) has adopted an order to use an electronic poll list **book** under
14 IC 3-7-29-6; or

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

16 Immediately after the electronic poll ~~lists~~ **books** used at each polling
17 place or vote center have been updated to indicate that the county
18 received, not later than noon on election day, an absentee ballot from
19 a voter, the absentee ballot counters shall, in a central counting location
20 designated by the county election board, count the absentee ballot votes
21 cast for each candidate for each office and on each public question in
22 the precinct.

23 SECTION 52. IC 3-11.5-4-16, AS AMENDED BY P.L.271-2013,
24 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 16. (a) If an absentee ballot is challenged
26 under section 15 of this chapter, the absentee voter's application for an
27 absentee ballot shall be considered as the affidavit required to be made
28 by a voter when challenged at the polls while voting in person.

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

32 (c) An absentee voter is not required to provide proof of
33 identification.

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

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

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

38 If a proper affidavit by a qualified person in the form required by
39 IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if
40 the absentee voter had personally appeared, the couriers shall return the
41 affidavit to the county election board in the same envelope as the
42 certificate returned under section 9 of this chapter:



1 (e) (d) The absentee ballot cast by the challenged voter shall be
2 counted if the county election board makes the findings required under
3 ~~IC 3-11-7~~. **IC 3-11.7-5.**

4 SECTION 53. IC 3-11.5-4-22, AS AMENDED BY P.L.271-2013,
5 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 22. (a) Except as provided in subsection (b),
7 each county election board shall appoint:

- 8 (1) absentee voter boards;
9 (2) teams of absentee ballot counters; and
10 (3) teams of couriers;

11 consisting of two (2) voters of the county, one (1) from each of the two
12 (2) political parties that have appointed members on the county
13 election board.

14 (b) Notwithstanding subsection (a), a county election board:

- 15 (1) may appoint, by a unanimous vote of the board's members,
16 only one (1) absentee ballot courier if the person appointed is a
17 voter of the county; and
18 (2) shall not appoint teams of couriers, if the county:
19 (A) has adopted an order to use an electronic poll ~~list book~~
20 under IC 3-7-29-6; or
21 (B) is a vote center county under IC 3-11-18.1.

22 (c) An otherwise qualified person is eligible to serve on an absentee
23 voter board or as an absentee ballot counter or a courier unless the
24 person:

- 25 (1) is unable to read, write, and speak the English language;
26 (2) has any property bet or wagered on the result of the election;
27 (3) is a candidate to be voted for at the election except as an
28 unopposed candidate for precinct committeeman or state
29 convention delegate; or
30 (4) is the spouse, parent, father-in-law, mother-in-law, child,
31 son-in-law, daughter-in-law, grandparent, grandchild, brother,
32 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
33 of a candidate or declared write-in candidate to be voted for at the
34 election except as an unopposed candidate. This subdivision
35 disqualifies a person whose relationship to the candidate is the
36 result of birth, marriage, or adoption.

37 (d) A person who is a candidate to be voted for at the election or
38 who is related to a candidate in a manner that would result in
39 disqualification under subsection (c) may, notwithstanding subsection
40 (c), serve as a member of an absentee voter board if:

- 41 (1) the candidate is seeking nomination or election to an office in
42 an election district that does not consist of the entire county; and



1 (2) the county election board restricts the duties of the person as
 2 an absentee voter board member to performing functions that
 3 could have no influence on the casting or counting of absentee
 4 ballots within the election district.

5 SECTION 54. IC 3-11.5-4-24, AS AMENDED BY P.L.271-2013,
 6 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 24. (a) This section does not apply to a county
 8 that:

9 (1) has adopted an order to use an electronic poll **list book** under
 10 IC 3-7-29-6; or

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

12 (b) In addition to the preparations described in IC 3-11-11-2,
 13 IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

14 (1) mark the poll list; and

15 (2) attach the certificates of voters who have registered and voted
 16 under IC 3-7-36-14 to the poll list;

17 in the presence of the poll clerks to indicate the voters of the precinct
 18 whose absentee ballots have been received by the county election board
 19 according to the certificate supplied under section 1 of this chapter.

20 (c) The poll clerks shall sign the statement printed on the certificate
 21 supplied under section 1 of this chapter indicating that the inspector:

22 (1) marked the poll list; and

23 (2) attached the certificates described in subsection (b)(2);

24 under this section in the presence of both poll clerks.

25 (d) The inspector shall retain custody of the certificate supplied
 26 under section 1 of this chapter until the certificate is returned under
 27 section 9 of this chapter.

28 SECTION 55. IC 3-11.5-5-3, AS AMENDED BY P.L.271-2013,
 29 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b),
 31 immediately after:

32 (1) the couriers have returned the certificate from a precinct under
 33 IC 3-11.5-4-9; and

34 (2) the absentee ballot counters or the county election board have
 35 made the findings required under IC 3-11-10 and IC 3-11.5-4 for
 36 the absentee ballots cast by voters of the precinct and deposited
 37 the accepted absentee ballots in the envelope required under
 38 IC 3-11.5-4-12;

39 the absentee ballot counters shall, in a central counting location
 40 designated by the county election board, count the absentee ballot votes
 41 for each candidate for each office and on each public question in the
 42 precinct.



1 (b) This section applies to a county that:
 2 (1) has adopted an order to use an electronic poll ~~list~~ **book** under
 3 IC 3-7-29-6; or
 4 (2) is a vote center county under IC 3-11-18.1.
 5 Immediately after the electronic poll ~~lists~~ **books** used at each polling
 6 place or vote center have been updated to indicate that the county
 7 received, not later than noon on election day, an absentee ballot from
 8 a voter, the absentee ballot counters shall, in a central counting location
 9 designated by the county election board, count the absentee ballot votes
 10 cast for each candidate for each office and on each public question in
 11 the precinct.
 12 SECTION 56. IC 3-11.5-6-3, AS AMENDED BY P.L.271-2013,
 13 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b),
 15 immediately after:
 16 (1) the couriers have returned the certificate from a precinct under
 17 IC 3-11.5-4-9; and
 18 (2) the absentee ballot counters or the county election board has
 19 made the findings required under IC 3-11-10 and IC 3-11.5-4 for
 20 the absentee ballots cast by voters of the precinct and deposited
 21 the accepted absentee ballots in the envelope required under
 22 IC 3-11.5-4-12;
 23 the absentee ballot counters shall, in a central counting location
 24 designated by the county election board, count the absentee ballot votes
 25 for each candidate for each office and on each public question in the
 26 precinct with the assistance of any persons required for the operation
 27 of the automatic tabulating machine.
 28 (b) This subsection applies to a county that:
 29 (1) has adopted an order to use an electronic poll ~~list~~ **book** under
 30 IC 3-7-29-6; or
 31 (2) is a vote center county under IC 3-11-18.1.
 32 Immediately after the electronic poll ~~lists~~ **books** used at each polling
 33 place or vote center have been updated to indicate that the county
 34 received, not later than noon on election day, an absentee ballot from
 35 a voter, the absentee ballot counters shall, in a central counting location
 36 designated by the county election board, count the absentee ballot votes
 37 cast for each candidate for each office and on each public question in
 38 the precinct.
 39 SECTION 57. IC 3-12-1-17, AS ADDED BY P.L.164-2006,
 40 SECTION 125, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) This section applies only to
 42 an absentee ballot sent by mail.



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

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

6 (2) The absentee ballot is received not later than ~~the deadline for~~
 7 **counting provisional ballots under IC 3-11.7-5-1: noon ten (10)**
 8 **days following the election.**

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

13 SECTION 58. IC 3-12-4-12, AS AMENDED BY P.L.221-2005,
 14 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than noon on the~~
 16 ~~second Monday~~ After the county election board certifies the election
 17 results under section 9 of this chapter, the circuit court clerk shall
 18 furnish, **upon request**, to the county chairman of each political party
 19 a copy of the statement.

20 SECTION 59. IC 3-12-12-1.7 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2014]: **Sec. 1.7. As used in this chapter,**
 23 **"petitioner" refers to the individual voter whose name is listed first**
 24 **on the petition filed under section 2 of this chapter.**

25 SECTION 60. IC 3-12-12-4 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The petition filed
 27 under section 2 of this chapter must also be signed by a number of
 28 voters within the election district ~~that voted on the public question~~
 29 equal to at least ten percent (10%) of the voters who cast ballots on the
 30 public question in the election.

31 SECTION 61. IC 3-12-12-6 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) This section does
 33 not apply to a petitioner if it is determined that the result of the public
 34 question is other than what was shown on the face of the election
 35 returns.

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

40 SECTION 62. IC 3-12-12-13 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. On the day when
 42 the order of a recount is made and entered by the court, the circuit court



1 clerk shall send a certified copy of the order by certified mail to the
 2 ~~first name on each petition filed under section 2 of this chapter~~
 3 **petitioner** at the address stated in the petition. The clerk shall charge
 4 the cost of mailing the order to each petitioner.

5 SECTION 63. IC 3-12-12-17 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) After a recount
 7 is ordered under section 9 of this chapter, the recount commission shall
 8 convene at a place fixed by order of the court and expeditiously
 9 complete the recount of all votes ordered recounted.

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

13 SECTION 64. IC 6-1.1-17-3, AS AMENDED BY P.L.137-2012,
 14 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 3. (a) The proper officers of a political
 16 subdivision shall formulate its estimated budget and its proposed tax
 17 rate and tax levy on the form prescribed by the department of local
 18 government finance and approved by the state board of accounts. The
 19 political subdivision or appropriate fiscal body, if the political
 20 subdivision is subject to section 20 of this chapter, shall give notice by
 21 publication to taxpayers of:

- 22 (1) the estimated budget;
- 23 (2) the estimated maximum permissible levy;
- 24 (3) the current and proposed tax levies of each fund; and
- 25 (4) the amounts of excessive levy appeals to be requested.

26 The political subdivision or appropriate fiscal body shall also state the
 27 time and place at which the political subdivision or appropriate fiscal
 28 body will hold a public hearing on these items. The political
 29 subdivision or appropriate fiscal body shall publish the notice twice in
 30 accordance with IC 5-3-1 with the first publication at least ten (10)
 31 days before the date fixed for the public hearing. The first publication
 32 must be before September 14, and the second publication must be
 33 before September 21 of the year. The political subdivision shall pay for
 34 the publishing of the notice.

35 (b) The board of directors of a solid waste management district
 36 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
 37 conduct the public hearing required under subsection (a):

- 38 (1) in any county of the solid waste management district; and
- 39 (2) in accordance with the annual notice of meetings published
 40 under IC 13-21-5-2.

41 (c) The trustee of each township in the county shall estimate the
 42 amount necessary to meet the cost of township assistance in the



1 township for the ensuing calendar year. The township board shall adopt
 2 with the township budget a tax rate sufficient to meet the estimated cost
 3 of township assistance. The taxes collected as a result of the tax rate
 4 adopted under this subsection are credited to the township assistance
 5 fund.

6 **(d) This subsection applies only to a political subdivision that is**
 7 **a city, town, or township to which section 5.5 of this chapter**
 8 **applies. Not later than July 1, 2014, the department of local**
 9 **government finance shall prescribe the form of the statement to be**
 10 **included in the notice published by the political subdivision under**
 11 **this section. The statement must include the following information:**

12 **(1) That a member of the fiscal body of the political**
 13 **subdivision or a township executive, whichever is applicable,**
 14 **is also a volunteer firefighter for a:**

15 **(A) fire department; or**

16 **(B) volunteer fire department;**

17 **that provides fire protection services to the political**
 18 **subdivision.**

19 **(2) The following information about the person described in**
 20 **subdivision (1):**

21 **(A) Name.**

22 **(B) Office held with the political subdivision.**

23 **(C) Name of the fire department or volunteer fire**
 24 **department for which the person serves as a volunteer**
 25 **firefighter.**

26 **(3) That any taxpayer of the political subdivision may object**
 27 **to any provision of the budget, tax rate, or tax levy for fire**
 28 **protection and emergency services provided by the political**
 29 **subdivision solely by reason of the circumstance stated in**
 30 **subdivision (1).**

31 **(4) That the petition must specifically identify the provisions**
 32 **of the budget, tax rate, and tax levy to which the taxpayer**
 33 **objects to because of the circumstance stated in subdivision**
 34 **(1).**

35 **(5) That the petition must be filed with the political**
 36 **subdivision, at the address and by the date specified, in order**
 37 **to be valid.**

38 **(6) Sufficient instructions and information to permit a**
 39 **taxpayer to complete and file a petition.**

40 SECTION 65. IC 6-1.1-17-5.5 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) As used in this section,**



- 1 **"officer" refers to the following:**
2 **(1) A member of the fiscal body of a political subdivision.**
3 **(2) The executive of a township.**
4 **(b) As used in this section, "political subdivision" refers to a**
5 **city, town, or township.**
6 **(c) This section applies to a budget, tax rate, or tax levy of a**
7 **political subdivision if both of the following conditions are met:**
8 **(1) The budget, tax rate, or tax levy is for fire protection and**
9 **emergency services provided by the political subdivision.**
10 **(2) An officer of the political subdivision is a volunteer**
11 **firefighter for a volunteer fire department or fire department**
12 **that provides fire protection services (excluding fire**
13 **protection services provided under a mutual aid agreement)**
14 **to the political subdivision that the individual serves as an**
15 **officer.**
16 **(d) A taxpayer may object to a budget, tax rate, or tax levy of a**
17 **political subdivision by filing an objection petition with the proper**
18 **officers of the political subdivision not more than seven (7) days**
19 **after the hearing under section 3 of this chapter. The objection**
20 **petition must specifically identify the provisions of the budget, tax**
21 **rate, and tax levy to which the taxpayer objects because of the**
22 **circumstance described in subsection (c)(2). The notice of the**
23 **hearing must be in the form prescribed by the department of local**
24 **government finance under section 3(d) of this chapter.**
25 **(e) If a petition is filed under subsection (d), the fiscal body of**
26 **the political subdivision shall adopt with its budget a finding**
27 **concerning the objections in the petition and any testimony**
28 **presented at the adoption hearing.**
29 **(f) Each year, at least two (2) days before the first meeting of the**
30 **county board of tax adjustment held under IC 6-1.1-29-4, the**
31 **political subdivision shall file with the county auditor:**
32 **(1) a statement of the tax rate and levy fixed by the political**
33 **subdivision for the ensuing budget year;**
34 **(2) two (2) copies of the budget adopted by the political**
35 **subdivision for the ensuing budget year; and**
36 **(3) two (2) copies of any findings adopted under subsection**
37 **(e).**
38 **Each year the county auditor shall present these items to the**
39 **county board of tax adjustment at the board's first meeting under**
40 **IC 6-1.1-29-4.**
41 **(g) In a consolidated city and county and in a second class city,**
42 **the clerk of the fiscal body shall, notwithstanding subsection (f), file**



1 the adopted budget and tax ordinances with the county board of
 2 tax adjustment within two (2) days after the ordinances are signed
 3 by the executive, or within two (2) days after action is taken by the
 4 fiscal body to override a veto of the ordinances, whichever is later.

5 (h) In determining whether to affirm or modify a political
 6 subdivision's budget, tax rate, or tax levy for fire protection
 7 services under this section, the county board of tax adjustment or
 8 county auditor shall consider the following factors:

9 (1) The current and projected certified and noncertified
 10 public safety payroll needs of the political subdivision.

11 (2) The current and projected need for fire and emergency
 12 services within the jurisdiction served by the political
 13 subdivision.

14 (3) Any applicable national standards or recommendations
 15 for the provision of fire protection and emergency services.

16 (4) Current and projected growth in the number of residents
 17 and other citizens served by the political subdivision,
 18 emergency service runs, certified and noncertified personnel,
 19 and other appropriate measures of public safety needs in the
 20 jurisdiction served by the political subdivision.

21 (5) Salary comparisons for certified and noncertified public
 22 safety personnel in the political subdivision and other
 23 surrounding or comparable jurisdictions.

24 (6) Prior annual expenditures for fire and emergency services,
 25 including all amounts budgeted under this chapter.

26 (7) Current and projected growth in the assessed value of
 27 property requiring protection in the jurisdiction served by the
 28 political subdivision.

29 (8) Other factors directly related to the provision of fire
 30 protection services and emergency services within the
 31 jurisdiction served by the political subdivision.

32 SECTION 66. IC 6-1.1-17-13.5 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: **Sec. 13.5. (a) If a county board of**
 35 **tax adjustment or a county auditor affirms the budget, tax rate, or**
 36 **tax levy of a political subdivision that is subject to an objection**
 37 **petition filed under section 5.5 of this chapter, a taxpayer may**
 38 **initiate an appeal from the county board of tax adjustment's or**
 39 **county auditor's affirmation of the political subdivision's budget,**
 40 **tax rate, or tax levy by filing a statement of the taxpayer's**
 41 **objections with the county auditor. The statement must be filed not**
 42 **later than ten (10) days after the publication of the notice required**



1 by section 12 of this chapter. The statement shall specifically
 2 identify the provisions of the budget, tax rate, or tax levy to which
 3 the taxpayer objects. The county auditor shall forward the
 4 statement, with the budget, to the department of local government
 5 finance.

6 (b) The department of local government finance shall:

7 (1) subject to subsection (c), give notice to the taxpayer of the
 8 date, time, and location of the hearing on the objection
 9 statement filed under subsection (a);

10 (2) conduct a hearing on the objection; and

11 (3) after the hearing:

12 (A) consider the testimony and evidence submitted at the
 13 hearing; and

14 (B) mail the department's:

15 (i) written determination; and

16 (ii) written statement of findings;

17 to the taxpayer.

18 The department of local government finance may hold the hearing
 19 in conjunction with the hearing required under section 16 of this
 20 chapter.

21 (c) The department of local government finance shall provide
 22 written notice to the taxpayer at least five (5) days before the date
 23 of the hearing.

24 (d) In determining whether to affirm or modify a political
 25 subdivision's budget, tax rate, or tax levy for fire protection
 26 services under this section, the department of local government
 27 finance shall consider the following factors:

28 (1) The current and projected certified and noncertified
 29 public safety payroll needs of the political subdivision.

30 (2) The current and projected need for fire and emergency
 31 services within the jurisdiction served by the political
 32 subdivision.

33 (3) Any applicable national standards or recommendations
 34 for the provision of fire protection and emergency services.

35 (4) Current and projected growth in the number of residents
 36 and other citizens served by the political subdivision,
 37 emergency service runs, certified and noncertified personnel,
 38 and other appropriate measures of public safety needs in the
 39 jurisdiction served by the political subdivision.

40 (5) Salary comparisons for certified and noncertified public
 41 safety personnel in the political subdivision and other
 42 surrounding or comparable jurisdictions.



- 1 **(6) Prior annual expenditures for fire and emergency services,**
- 2 **including all amounts budgeted under this chapter.**
- 3 **(7) Current and projected growth in the assessed value of**
- 4 **property requiring protection in the jurisdiction served by the**
- 5 **political subdivision.**
- 6 **(8) Other factors directly related to the provision of fire**
- 7 **protection services and emergency services within the**
- 8 **jurisdiction served by the political subdivision.**
- 9 **(e) The following may petition for judicial review of the final**
- 10 **determination of the department of local government finance**
- 11 **under subsection (d):**

- 12 **(1) The political subdivision.**
- 13 **(2) The taxpayer who signed the statement filed to initiate the**
- 14 **appeal under subsection (a).**

15 SECTION 67. IC 13-11-2-74 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive"
 17 means the:

- 18 (1) board of commissioners of a county ~~not having that:~~
- 19 **(A) does not have a consolidated city; and**
- 20 **(B) is not subject to IC 36-2-2.5;**
- 21 (2) ~~single county executive elected under IC 3-10-2-13, for a~~
- 22 **county that:**
- 23 **(A) does not have a consolidated city; and**
- 24 **(B) is subject to IC 36-2-2.5;**
- 25 (2) ~~(3) mayor of the consolidated city, for a county having a~~
- 26 consolidated city;
- 27 (3) ~~(4) mayor of a city; or~~
- 28 (4) ~~(5) president of the town council of a town.~~

29 SECTION 68. IC 20-24-2.3-2, AS ADDED BY P.L.280-2013,
 30 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 2. As used in this chapter, "executive" has the
 32 meaning set forth in ~~IC 36-1-2-5(2).~~ **IC 36-1-2-5(3).**

33 SECTION 69. IC 20-46-1-14, AS AMENDED BY P.L.113-2010,
 34 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2014]: Sec. 14. (a) The referendum shall be held in the next
 36 primary election, general election, or municipal election in which all
 37 the registered voters who are residents of the appellant school
 38 corporation are entitled to vote after certification of the question under
 39 IC 3-10-9-3. The certification of the question must occur not later than
 40 noon:

- 41 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if
- 42 the question is to be placed on the primary or municipal primary



- 1 election ballot; or
 2 (2) August 1 if the question is to be placed on the general or
 3 municipal election ballot.
 4 However, if a primary election, general election, or municipal election
 5 will not be held during the first year in which the public question is
 6 eligible to be placed on the ballot under this chapter and if the
 7 appellant school corporation requests the public question to be placed
 8 on the ballot at a special election, the public question shall be placed
 9 on the ballot at a special election to be held on the first Tuesday after
 10 the first Monday in May or November of the year. The certification
 11 must occur not later than noon ~~sixty (60)~~ **seventy-four (74)** days before
 12 a special election to be held in May (if the special election is to be held
 13 in May) or noon on August 1 (if the special election is to be held in
 14 November).
 15 (b) If the referendum is not conducted at a primary election, general
 16 election, or municipal election, the appellant school corporation in
 17 which the referendum is to be held shall pay all the costs of holding the
 18 referendum.
 19 SECTION 70. IC 33-42-4-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following may
 21 subscribe and administer oaths and take acknowledgments of all
 22 documents pertaining to all matters where an oath is required:
 23 (1) Notaries public.
 24 **(2) An official court reporter acting under IC 33-41-1-6.**
 25 ~~(2)~~ **(3)** Justices and judges of courts, in their respective
 26 jurisdictions.
 27 ~~(3)~~ **(4)** The secretary of state.
 28 ~~(4)~~ **(5)** The clerk of the supreme court.
 29 ~~(5)~~ **(6)** Mayors, clerks, clerk-treasurers of towns and cities, and
 30 township trustees, in their respective towns, cities, and townships.
 31 ~~(6)~~ **(7)** Clerks of circuit courts and master commissioners, in their
 32 respective counties.
 33 ~~(7)~~ **(8)** Judges of United States district courts of Indiana, in their
 34 respective jurisdictions.
 35 ~~(8)~~ **(9)** United States commissioners appointed for any United
 36 States district court of Indiana, in their respective jurisdictions.
 37 ~~(9)~~ **(10)** A precinct election officer (as defined in IC 3-5-2-40.1)
 38 and an absentee voter board member appointed under IC 3-11-10,
 39 for any purpose authorized under IC 3.
 40 ~~(10)~~ **(11)** A member of the Indiana election commission, a
 41 co-director of the election division, or an employee of the election
 42 division under IC 3-6-4.2.



1 (††) **(12)** County auditors, in their respective counties.
 2 (†2) **(13)** Any member of the general assembly anywhere in
 3 Indiana.

4 SECTION 71. IC 35-51-36-1, AS AMENDED BY P.L.132-2012,
 5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 1. The following statutes define crimes in
 7 IC 36:

8 IC 36-2-2-13 (Concerning county government).
 9 **IC 36-2-2.5-15 (Concerning single county executives).**
 10 IC 36-2-6-8 (Concerning county government).
 11 IC 36-2-6-12 (Concerning county government).
 12 IC 36-2-7-18 (Concerning county government).
 13 IC 36-2-8-6 (Concerning county government).
 14 IC 36-2-9-13 (Concerning county government).
 15 IC 36-2-9-14 (Concerning county government).
 16 IC 36-2-9.5-7 (Concerning county government).
 17 IC 36-2-9.5-9 (Concerning county government).
 18 IC 36-2-13-5 (Concerning county government).
 19 IC 36-2-14-10 (Concerning county government).
 20 IC 36-2-14-17 (Concerning county government).
 21 IC 36-2-14-21 (Concerning county government).
 22 IC 36-4-8-13 (Concerning government of cities and towns).
 23 IC 36-7-12-27.5 (Concerning planning and development).
 24 IC 36-7-14-40 (Concerning planning and development).
 25 IC 36-7-15.1-27 (Concerning planning and development).
 26 IC 36-7-30-28 (Concerning planning and development).
 27 IC 36-7-30.5-36 (Concerning planning and development).
 28 IC 36-8-3.5-23 (Concerning public safety).
 29 IC 36-8-10-9 (Concerning public safety).
 30 IC 36-8-16.7-41 (Concerning public safety).
 31 IC 36-8-16.7-45 (Concerning public safety).
 32 IC 36-8-16.7-46 (Concerning public safety).
 33 IC 36-9-14-7 (Concerning transportation and public works).
 34 IC 36-10-3-39 (Concerning recreation, culture, and community
 35 facilities).
 36 IC 36-10-4-5 (Concerning recreation, culture, and community
 37 facilities).
 38 IC 36-10-4-40 (Concerning recreation, culture, and community
 39 facilities).

40 SECTION 72. IC 36-1-2-5 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive"
 42 means **the:**

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- 1 (1) board of commissioners, for a county ~~not having that:~~
 2 (A) ~~does not have~~ a consolidated city; **and**
 3 (B) ~~is not subject to IC 36-2-2.5;~~
 4 (2) ~~single county executive elected under IC 3-10-2-13, for a~~
 5 ~~county that:~~
 6 (A) ~~does not have a consolidated city; and~~
 7 (B) ~~is subject to IC 36-2-2.5;~~
 8 ~~(2) (3) mayor of the consolidated city, for a county having a~~
 9 ~~consolidated city;~~
 10 ~~(3) (4) mayor, for a city;~~
 11 ~~(4) (5) president of the town council, for a town;~~
 12 ~~(5) (6) trustee, for a township;~~
 13 ~~(6) (7) superintendent, for a school corporation; or~~
 14 ~~(7) (8) chief executive officer, for any other political subdivision.~~
 15 SECTION 73. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 9. "Legislative body" means the:
 18 (1) board of county commissioners, for a county not subject to
 19 **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1;
 20 (2) county council, for a county subject to **IC 36-2-2.5** or
 21 IC 36-2-3.5;
 22 (3) city-county council, for a consolidated city or county having
 23 a consolidated city;
 24 (4) common council, for a city other than a consolidated city;
 25 (5) town council, for a town;
 26 (6) township board, for a township;
 27 (7) governing body of any other political subdivision that has a
 28 governing body; or
 29 (8) chief executive officer of any other political subdivision that
 30 does not have a governing body.
 31 SECTION 74. IC 36-1-2-24 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. "Works board"
 33 means **the:**
 34 (1) board of commissioners, for a county:
 35 (A) ~~not having a consolidated city; and~~
 36 (B) ~~not subject to IC 36-2-2.5;~~
 37 (2) ~~single county executive for a county:~~
 38 (A) ~~not having a consolidated city; and~~
 39 (B) ~~subject to IC 36-2-2.5;~~
 40 ~~(2) (3) board of public works or board of public works and safety,~~
 41 ~~for a city; or~~
 42 ~~(3) (4) town council, for a town.~~



1 SECTION 75. IC 36-1-3-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a
 3 constitutional or statutory provision requiring a specific manner for
 4 exercising a power, a unit wanting to exercise the power must do so in
 5 that manner.

6 (b) If there is no constitutional or statutory provision requiring a
 7 specific manner for exercising a power, a unit wanting to exercise the
 8 power must either:

9 (1) if the unit is a county or municipality, adopt an ordinance
 10 prescribing a specific manner for exercising the power;

11 (2) if the unit is a township, adopt a resolution prescribing a
 12 specific manner for exercising the power; or

13 (3) comply with a statutory provision permitting a specific manner
 14 for exercising the power.

15 (c) An ordinance under subsection (b)(1) must be adopted as
 16 follows:

17 (1) In a municipality, by the legislative body of the municipality.

18 (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1,
 19 by the legislative body of the county.

20 (3) In any other county, by the executive of the county.

21 (d) A resolution under subsection (b)(2) must be adopted by the
 22 legislative body of the township.

23 SECTION 76. IC 36-2-2-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as**
 25 **specifically provided**, this chapter ~~applies to all counties~~ **does not**
 26 **apply to the following:**

27 (1) **A county** having a consolidated city.

28 (2) **A county in which a single county executive has been**
 29 **elected and is serving under IC 36-2-2.5.**

30 SECTION 77. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE
 31 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]:

33 **Chapter 2.4. Determination of County Government Structure**

34 **Sec. 1. This chapter applies only to a county having a population**
 35 **of more than three hundred thousand (300,000) but less than four**
 36 **hundred thousand (400,000).**

37 **Sec. 2. A public question shall be held in the county on whether**
 38 **the executive and legislative structure and functions of the county**
 39 **should be reorganized under IC 36-2-2.5.**

40 **Sec. 3. The county election board shall place the following public**
 41 **question on the ballot at the general election held in November**
 42 **2014:**



- 1 **"Shall the county government of (insert the name of the**
 2 **county) County be reorganized to place all executive powers**
 3 **in a single county executive and to place all legislative and**
 4 **fiscal powers in the county council?"**.
- 5 **Sec. 4. IC 3, except where inconsistent with this chapter, applies**
 6 **to a public question placed on the ballot under this chapter. A**
 7 **public question under this chapter must be certified in accordance**
 8 **with IC 3-10-9-3 and shall be placed on the ballot in accordance**
 9 **with IC 3-10-9.**
- 10 **Sec. 5. If a majority of the voters of a county who vote on a**
 11 **public question placed on the ballot under this chapter vote in**
 12 **favor of the public question, the executive and legislative structure**
 13 **and functions of the county shall be reorganized under IC 36-2-2.5.**
- 14 SECTION 78. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE
 15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]:
- 17 **Chapter 2.5. Single County Executive**
- 18 **Sec. 1. Except as specifically provided by law, this chapter**
 19 **applies only to a county:**
- 20 (1) that has a population of more than three hundred
 21 thousand (300,000) but less than four hundred thousand
 22 (400,000); and
- 23 (2) in which a public question under IC 36-2-2.4 making the
 24 county executive a single county executive has been approved
 25 by the voters of the county.
- 26 **Sec. 2. As used in this chapter, "single county executive" means**
 27 **the single county executive elected under IC 3-10-2-13.**
- 28 **Sec. 3. In a county to which this chapter applies:**
- 29 (1) the voters of the county:
- 30 (A) shall elect one (1) single county executive in the 2018
 31 general election and every four (4) years thereafter; and
 32 (B) beginning with the 2018 general election, shall not elect
 33 a board of county commissioners;
- 34 (2) the board of county commissioners for the county is
 35 abolished January 1, 2019;
- 36 (3) notwithstanding IC 36-2-2-3, the term of each county
 37 commissioner serving on December 31, 2018, expires January
 38 1, 2019;
- 39 (4) the county council shall divide the county into nine (9)
 40 contiguous, single-member county council districts as
 41 required by IC 36-2-3-4.1; and
- 42 (5) beginning January 1, 2019, the county council must consist



- 1 of nine (9) members elected from single-member county
2 council districts.
- 3 **Sec. 4. (a) The term of office of a single county executive is four**
4 **(4) years, beginning January 1 after election and continuing until**
5 **a successor is elected and qualified.**
- 6 **(b) To be eligible for election as the single county executive, an**
7 **individual must meet the qualifications under IC 3-8-1-21. If an**
8 **individual does not remain a resident of the county after taking**
9 **office as the single county executive, the individual forfeits the**
10 **office. The county legislative body shall declare the office vacant**
11 **whenever the single county executive forfeits the office under this**
12 **subsection.**
- 13 **(c) If the office of single county executive becomes vacant, the**
14 **county council shall appoint an individual to serve as the single**
15 **county executive until the office is filled under IC 3-13.**
- 16 **Sec. 5. (a) On January 1, 2019, all property, assets, funds,**
17 **equipment, records, rights, contracts, obligations, and liabilities of**
18 **the board of county commissioners of a county are transferred to**
19 **or assumed by the single county executive.**
- 20 **(b) The abolishment of the board of county commissioners of a**
21 **county on January 1, 2019, does not invalidate any:**
- 22 **(1) ordinances, resolutions, fees, schedules, or other actions**
23 **adopted or taken by the board of county commissioners**
24 **before the board is abolished; or**
- 25 **(2) appointments made by the board of county commissioners**
26 **before the board is abolished.**
- 27 **Sec. 6. (a) Notwithstanding any other provision, a single county**
28 **executive has the power to make any appointments that the board**
29 **of county commissioners made before the board was abolished.**
- 30 **(b) All powers and duties of the county that are executive or**
31 **administrative in nature (including any power of appointment**
32 **related to executive or administrative functions) shall be exercised**
33 **or performed by the single county executive, except to the extent**
34 **that these powers and duties are expressly assigned by law to**
35 **another elected or appointed officer. The single county executive**
36 **shall transact the business of the county in the name of the county.**
- 37 **(c) For purposes of a county subject to this chapter, after**
38 **December 31, 2018, any reference in:**
- 39 **(1) the Indiana Code;**
40 **(2) the Indiana Administrative Code;**
41 **(3) an ordinance or resolution; or**
42 **(4) any deed, lease, contract, or other official document or**



- 1 **instrument;**
 2 **to the board of county commissioners pertaining to the executive**
 3 **powers of a county shall be considered a reference to the single**
 4 **county executive of the county.**
 5 **(d) For purposes of a county subject to this chapter, after**
 6 **December 31, 2018, any reference in:**
 7 **(1) the Indiana Code;**
 8 **(2) the Indiana Administrative Code;**
 9 **(3) an ordinance or resolution; or**
 10 **(4) any deed, lease, contract, or other official document or**
 11 **instrument;**
 12 **related to the executive powers and duties of the board of county**
 13 **commissioners shall be considered a reference to the powers and**
 14 **duties of the single county executive of the county.**
 15 **(e) For purposes of a county subject to this chapter, after**
 16 **December 31, 2018, the county council has the legislative and fiscal**
 17 **powers and duties of the county under IC 36-2-3.7.**
 18 **Sec. 7. The single county executive shall do the following:**
 19 **(1) Report on the condition of the county before March 1 of**
 20 **each year to the county legislative body and to the county**
 21 **residents.**
 22 **(2) Recommend before March 1 of each year to the county**
 23 **legislative body any action or program the single county**
 24 **executive considers necessary for the improvement of the**
 25 **county and the welfare of county residents.**
 26 **(3) Submit to the county legislative body an annual budget in**
 27 **accordance with IC 36-2-5.**
 28 **(4) Establish procedures to be followed by all county**
 29 **departments, offices, and agencies under the single county**
 30 **executive's jurisdiction to the extent these procedures are not**
 31 **expressly assigned by law to another elected or appointed**
 32 **officer.**
 33 **(5) Administer all statutes, ordinances, and regulations**
 34 **applicable to the county, to the extent the administration of**
 35 **these matters is not expressly assigned by law to another**
 36 **elected or appointed officer.**
 37 **(6) Supervise the care and custody of all county property.**
 38 **(7) Supervise the collection of revenues, control all**
 39 **disbursements and expenditures, and prepare a complete**
 40 **account of all expenditures, to the extent these matters are not**
 41 **expressly assigned by law to another elected or appointed**
 42 **officer.**



- 1 **(8) Review, analyze, and forecast trends for county services**
- 2 **and finances and programs of all county governmental**
- 3 **entities, and report on and make recommendations**
- 4 **concerning the services, finances, and programs to the county**
- 5 **legislative body by March 15 of each year.**
- 6 **(9) Negotiate contracts for the county.**
- 7 **(10) Make recommendations concerning the nature and**
- 8 **location of county improvements, and provide for the**
- 9 **execution of those improvements.**
- 10 **(11) Supervise county administrative offices, except for the**
- 11 **offices of elected officers.**
- 12 **(12) Do the following in January of each year:**
- 13 **(A) Make a settlement with the county treasurer for the**
- 14 **preceding calendar year, and include a copy of the**
- 15 **settlement sheet in the order book of the single county**
- 16 **executive.**
- 17 **(B) Make an accurate statement of the county's receipts**
- 18 **and expenditures during the preceding calendar year. The**
- 19 **statement must include the name of and total**
- 20 **compensation paid to each county officer, deputy, and**
- 21 **employee. The single county executive shall post this**
- 22 **statement at the courthouse door and two (2) other places**
- 23 **in the county and shall publish it in the manner prescribed**
- 24 **by IC 5-3-1.**
- 25 **(13) Perform other duties and functions that are assigned to**
- 26 **the single county executive by statute or ordinance.**
- 27 **Sec. 8. The single county executive may do any of the following:**
- 28 **(1) Order any department, office, or agency under the single**
- 29 **county executive's jurisdiction to undertake any task for**
- 30 **another department, office, or agency under the single county**
- 31 **executive's jurisdiction on a temporary basis, if necessary for**
- 32 **the proper and efficient administration of county government.**
- 33 **(2) Establish and administer centralized budgeting,**
- 34 **centralized personnel selection, and centralized purchasing.**
- 35 **(3) Audit the accounts of officers who deal with money**
- 36 **belonging to or appropriated for the benefit of the county.**
- 37 **(4) Approve accounts chargeable against the county and**
- 38 **direct the raising of money necessary for county expenses.**
- 39 **(5) Make orders concerning county property, including orders**
- 40 **for:**
- 41 **(A) the sale of the county's public buildings and the**
- 42 **acquisition of land in the county seat on which to build new**



1 public buildings; and

2 **(B) the acquisition of land for a public square and the**
 3 **maintenance of that square.**

4 **However, a conveyance or purchase by a county of land**
 5 **having a value of one thousand dollars (\$1,000) or more must**
 6 **be authorized by an ordinance of the county legislative body**
 7 **fixing the terms and conditions of the transaction.**

8 **Sec. 9. (a) The single county executive shall establish and**
 9 **maintain a county courthouse, county jail, and public offices for**
 10 **the county clerk, the county auditor, the county recorder, the**
 11 **county treasurer, the county sheriff, and the county surveyor.**

12 **(b) Offices for the county surveyor must be in the courthouse or**
 13 **at the county seat.**

14 **(c) Offices for the county sheriff may be located:**

15 **(1) in the courthouse;**

16 **(2) inside the corporate limits of the county seat; or**

17 **(3) outside the corporate limits of the county seat but within**
 18 **the limits of the county.**

19 **Sec. 10. (a) The single county executive may grant licenses,**
 20 **permits, or franchises for the use of county property if the licenses,**
 21 **permits, or franchises:**

22 **(1) are not exclusive;**

23 **(2) are of a definite duration; and**

24 **(3) are assignable only with the consent of the single county**
 25 **executive.**

26 **(b) If a public utility or municipally owned or operated utility**
 27 **that carries on business outside the corporate boundaries of**
 28 **municipalities in the county is engaged in an activity substantially**
 29 **similar to that for which a license, permit, or franchise for the use**
 30 **of county property is sought, the single county executive may grant**
 31 **the license, permit, or franchise only with the consent of the**
 32 **Indiana utility regulatory commission. The commission may give**
 33 **its consent only if the commission determines, after a public**
 34 **hearing of all interested parties, that public necessity and**
 35 **convenience require the substantially similar activity.**

36 **(c) The provisions of this section that concern securing the**
 37 **consent of the Indiana utility regulatory commission do not apply**
 38 **to municipally owned or operated utilities.**

39 **Sec. 11. Notwithstanding any other law, if a statute requires a**
 40 **county executive to take an executive action by ordinance or**
 41 **resolution, a single county executive shall instead take the action by**
 42 **issuing an executive order.**



1 **Sec. 12. (a)** If the single county executive is disqualified from
2 acting in a quasi-judicial proceeding, the single county executive
3 shall cease to act in that proceeding. Not later than ten (10) days
4 after the finding that the single county executive is disqualified to
5 act in a proceeding, the county auditor shall send a certified copy
6 of the record of the proceeding to the judge of the circuit court for
7 the county. If the judge affirms the disqualification of the single
8 county executive, the judge shall appoint a disinterested and
9 competent person to serve as a special executive in the proceeding.

10 **(b)** A person who consents to serve as a special executive must
11 have the same qualifications as an elected single county executive.
12 The person's appointment and oath shall be filed with the county
13 auditor and entered on the records of the single county executive.
14 A person appointed as a special executive may conduct the
15 proceeding until a final determination is reached.

16 **Sec. 13.** The single county executive shall keep the single county
17 executive's office open on each business day.

18 **Sec. 14.** Appointments made by the single county executive
19 under section 6(a) of this chapter shall be attested to by the county
20 auditor, under the seal of the single county executive.

21 **Sec. 15. (a)** The single county executive may employ a person:

22 (1) to perform a duty required of a county officer by statute;

23 or

24 (2) on a commission or percentage basis;

25 only if the employment is expressly authorized by statute or is
26 found by the single county executive to be necessary to the public
27 interest.

28 **(b)** If a person's employment under subsection (a) is not
29 expressly authorized by statute, the contract for the person's
30 employment must be filed with the circuit court for the county, and
31 the person must file the person's claims for compensation with that
32 court. Any taxpayer may contest a claim under this section.

33 **(c)** A single county executive who knowingly, intentionally, or
34 recklessly violates this section commits a Class C misdemeanor and
35 forfeits the single county executive's office.

36 **Sec. 16. (a)** If a party to a proceeding before the single county
37 executive is aggrieved by a decision of the single county executive,
38 the party may appeal that decision to the circuit court for the
39 county.

40 **(b)** A person who is not a party to a proceeding before the single
41 county executive may appeal a decision of the single county
42 executive only if the person files with the county auditor an



- 1 affidavit:
- 2 (1) specifically setting forth the person's interest in the matter
- 3 decided; and
- 4 (2) alleging that the person is aggrieved by the decision of the
- 5 single county executive.
- 6 (c) An appeal under this section must be taken not later than
- 7 thirty (30) days after the single county executive makes the decision
- 8 by which the appellant is aggrieved.
- 9 (d) An appellant under this section must file with the county
- 10 auditor a bond conditioned on due prosecution of the appeal. The
- 11 bond is subject to approval by the county auditor and must be in
- 12 an amount sufficient to provide security for court costs.
- 13 (e) Not later than twenty (20) days after the county auditor
- 14 receives the appeal bond, the county auditor shall prepare a
- 15 complete transcript of the proceedings of the single county
- 16 executive related to the decision appealed from and shall deliver
- 17 the transcript, all documents filed during the proceedings, and the
- 18 appeal bond to the clerk of the circuit court.
- 19 Sec. 17. (a) An appeal under section 16 of this chapter shall be
- 20 docketed among the other causes pending in the circuit court and
- 21 shall be tried as an original cause.
- 22 (b) A court may decide an appeal under section 16 of this
- 23 chapter by:
- 24 (1) affirming the decision of the single county executive; or
- 25 (2) remanding the cause to the single county executive with
- 26 directions as to how to proceed;
- 27 and may require the single county executive to comply with this
- 28 decision.
- 29 Sec. 18. (a) The county auditor or the single county executive
- 30 may administer any oaths required by this chapter.
- 31 (b) The sheriff or a county police officer shall attend any
- 32 meeting with the single county executive at the request of the single
- 33 county executive.
- 34 Sec. 19. (a) Appointments made by the single county executive
- 35 shall be certified by the county auditor, under the seal of the single
- 36 county executive.
- 37 (b) If a copy of the single county executive's proceedings has
- 38 been signed and sealed by the county auditor and introduced into
- 39 evidence in court, that copy is presumed to be an accurate record
- 40 of the single county executive's proceedings.
- 41 Sec. 20. (a) The single county executive may employ and fix the
- 42 compensation of an attorney to represent and advise the executive.



1 **(b) For purposes of Article 2, Section 9 of the Constitution of the**
 2 **State of Indiana, employment by a single county executive as an**
 3 **attorney does not constitute a lucrative office.**

4 SECTION 79. IC 36-2-2.7 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]:

7 **Chapter 2.7. Reversion to Previous County Government**
 8 **Structure**

9 **Sec. 1. This chapter applies only to a county that has a**
 10 **population of more than three hundred thousand (300,000) but less**
 11 **than four hundred thousand (400,000).**

12 **Sec. 2. As used in this chapter, "single county executive" means**
 13 **the single county executive elected under IC 3-10-2-13.**

14 **Sec. 3. A county that elects a single county executive under**
 15 **IC 36-2-2.5 may, as provided in this chapter, revert to a county**
 16 **government structure that has a board of county commissioners**
 17 **rather than a single county executive.**

18 **Sec. 4. (a) Subject to subsection (b), the county council may**
 19 **adopt an ordinance providing that the voters of the county shall**
 20 **elect:**

- 21 **(1) a three (3) member board of county commissioners that**
 22 **has the executive and legislative powers and duties of the**
 23 **county; and**
 24 **(2) a county council that has the fiscal powers and duties of**
 25 **the county.**

26 **(b) An ordinance described in subsection (a) may be adopted**
 27 **under this chapter only:**

- 28 **(1) during an odd-numbered year; or**
 29 **(2) before July 1 of an even-numbered year.**

30 **(c) If an ordinance is adopted under this section:**

- 31 **(1) the county auditor shall certify the adoption of the**
 32 **ordinance to the county election board; and**
 33 **(2) a vote on a public question shall be held in the county**
 34 **under section 5 of this chapter on whether the executive and**
 35 **legislative structure and functions of the county should be**
 36 **reorganized under section 6 of this chapter.**

37 **Sec. 5. (a) If an ordinance is certified under section 4 of this**
 38 **chapter, the county election board shall place the following public**
 39 **question on the ballot at the next general election held in the county**
 40 **after the ordinance is certified:**

41 **"Shall the county government of (insert the name of the**
 42 **county) County be reorganized to elect a board of county**



- 1 commissioners rather than a single county executive?".
- 2 (b) IC 3, except where inconsistent with this chapter, applies to
- 3 a public question placed on the ballot under this chapter. A public
- 4 question under this chapter must be certified in accordance with
- 5 IC 3-10-9-3 and shall be placed on the ballot in accordance with
- 6 IC 3-10-9.
- 7 (c) If a majority of the voters of a county who vote on a public
- 8 question placed on the ballot under this section vote in favor of the
- 9 public question, the executive and legislative structure and
- 10 functions of the county shall be reorganized under section 6 of this
- 11 chapter.
- 12 Sec. 6. The following apply if a majority of the voters of a
- 13 county who vote on a public question placed on the ballot under
- 14 section 5 of this chapter vote in favor of the public question:
- 15 (1) The executive, the executive and legislative structure, and
- 16 the functions of the county are reorganized as provided in this
- 17 section.
- 18 (2) The voters of the county shall elect:
- 19 (A) a three (3) member board of county commissioners
- 20 that has the executive and legislative powers and duties of
- 21 the county; and
- 22 (B) a county council that has the fiscal powers and duties
- 23 of the county.
- 24 (3) The office of the board of county commissioners shall be
- 25 placed on the primary election ballot for the county in the
- 26 year of the second general election after the public question is
- 27 approved. The office of single county executive shall not be
- 28 placed on the primary election ballot for the county in the
- 29 year of the second general election after the public question is
- 30 approved.
- 31 (4) The office of the board of county commissioners shall be
- 32 placed on the general election ballot for the county at the
- 33 second general election after the public question is approved
- 34 and, except as provided in subdivision (6) to provide for
- 35 staggered terms, every four (4) years thereafter. Beginning
- 36 with the second general election after the public question is
- 37 approved, the county shall not elect a single county executive.
- 38 (5) On January 1 in the year following the year that the board
- 39 of county commissioners is elected under this chapter, the
- 40 following occur:
- 41 (A) The office of single county executive is abolished, and
- 42 the term of the single county executive expires.



- 1 **(B) The county is not subject to IC 36-2-2.5 and**
 2 **IC 36-2-3.7.**
- 3 **(C) The county executive is the board of county**
 4 **commissioners elected under IC 36-2-2. The board of**
 5 **county commissioners has all powers that are executive or**
 6 **administrative in nature.**
- 7 **(D) The county legislative body is the board of county**
 8 **commissioners, and all powers that are legislative in nature**
 9 **are transferred from the county fiscal body to the board of**
 10 **county commissioners.**
- 11 **(E) The county council is the county fiscal body.**
- 12 **(F) All property, assets, funds, equipment, records, rights,**
 13 **contracts, obligations, and liabilities of the single county**
 14 **executive are transferred to or assumed by the board of**
 15 **county commissioners.**
- 16 **(6) Notwithstanding IC 36-2-2-3, to provide for staggered**
 17 **terms of the members of the board of county commissioners**
 18 **elected after the structure and functions of the county are**
 19 **reorganized under this chapter, the county council may,**
 20 **before the primary election described in subdivision (3), adopt**
 21 **an ordinance specifying which of the three (3) board of county**
 22 **commissioner members to be elected at the second general**
 23 **election after the public question is approved shall serve an**
 24 **initial term of two (2) years rather than four (4) years.**
- 25 **(7) The abolishment of the office of the single county executive**
 26 **on January 1 following the year in which the board of county**
 27 **commissioners is elected does not invalidate:**
- 28 **(A) any resolutions, fees, schedules, or other actions**
 29 **adopted or taken by the single county executive before the**
 30 **office is abolished; or**
- 31 **(B) any appointments made by the single county executive**
 32 **before the office is abolished.**
- 33 **(8) Effective with the second general election after the public**
 34 **question is approved under section 5 of this chapter, the**
 35 **county council shall be elected with four (4) single-member**
 36 **county council districts and three (3) at-large members under**
 37 **IC 36-2-3-4. The county council shall divide the county into**
 38 **the four (4) contiguous, single-member county council**
 39 **districts in the manner specified in IC 36-2-3-4. The terms of**
 40 **all county council members serving at the time of the second**
 41 **general election after the public question is approved under**
 42 **section 5 of this chapter expire January 1 following the**



1 election. Notwithstanding any other law, to provide for
 2 staggered terms of the members of the county council, the
 3 county council may, before the primary election preceding the
 4 general election at which county council members will be
 5 elected as provided in this subdivision, adopt an ordinance
 6 specifying which of the members of the county council to be
 7 elected at the second general election after the public question
 8 is approved shall serve an initial term of two (2) years rather
 9 than four (4) years.

10 SECTION 80. IC 36-2-3-4, AS AMENDED BY P.L.271-2013,
 11 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
 13 county having a population of:

- 14 (1) more than four hundred thousand (400,000) but less than
 15 seven hundred thousand (700,000); or
 16 (2) more than two hundred fifty thousand (250,000) but less than
 17 two hundred seventy thousand (270,000).

18 **Except as provided in section 4.1 of this chapter**, the county
 19 executive shall, by ordinance, divide the county into four (4)
 20 contiguous, single-member districts that comply with subsection (d).
 21 If necessary, the county auditor shall call a special meeting of the
 22 executive to establish or revise districts. One (1) member of the fiscal
 23 body shall be elected by the voters of each of the four (4) districts.
 24 Three (3) at-large members of the fiscal body shall be elected by the
 25 voters of the whole county.

26 (b) This subsection applies to a county having a population of more
 27 than four hundred thousand (400,000) but less than seven hundred
 28 thousand (700,000). The county redistricting commission established
 29 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 30 districts that comply with subsection (d). One (1) member of the fiscal
 31 body shall be elected by the voters of each of these seven (7)
 32 single-member districts.

33 (c) This subsection applies to a county having a population of more
 34 than two hundred fifty thousand (250,000) but less than two hundred
 35 seventy thousand (270,000). The fiscal body shall divide the county
 36 into nine (9) single-member districts that comply with subsection (d).
 37 Three (3) of these districts must be contained within each of the three
 38 (3) districts established under IC 36-2-2-4(c). One (1) member of the
 39 fiscal body shall be elected by the voters of each of these nine (9)
 40 single-member districts.

41 (d) Single-member districts established under subsection (a), (b), or
 42 (c) must:

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- 1 (1) be compact, subject only to natural boundary lines (such as
 2 railroads, major highways, rivers, creeks, parks, and major
 3 industrial complexes);
 4 (2) not cross precinct boundary lines;
 5 (3) contain, as nearly as possible, equal population; and
 6 (4) include whole townships, except when a division is clearly
 7 necessary to accomplish redistricting under this section.
- 8 (e) Except as provided by subsection (g), a division under
 9 subsection (a), (b), or (c) shall be made:
 10 (1) during the first year after a year in which a federal decennial
 11 census is conducted; and
 12 (2) when the county executive adopts an order declaring a county
 13 boundary to be changed under IC 36-2-1-2.
- 14 (f) A division under subsection (a), (b), or (c) may be made in any
 15 odd-numbered year not described in subsection (e). **In a county in
 16 which a public question is approved under IC 36-2-2.7-5, a division
 17 under subsection (a) shall be made by the county council during the
 18 year before county council members will be elected under
 19 IC 36-2-2.7-6(8).**
- 20 (g) This subsection applies during the first year after a year in which
 21 a federal decennial census is conducted. If the county executive, county
 22 redistricting commission, or county fiscal body determines that a
 23 division under subsection (e) is not required, the county executive,
 24 county redistricting commission, or county fiscal body shall adopt an
 25 ordinance recertifying that the districts as drawn comply with this
 26 section.
- 27 (h) Each time there is a division under subsection (e) or (f) or a
 28 recertification under subsection (g), the county executive, county
 29 redistricting commission, or county fiscal body shall file with the
 30 circuit court clerk of the county, not later than thirty (30) days after the
 31 division or recertification occurs, a map of the district boundaries:
 32 (1) adopted under subsection (e) or (f); or
 33 (2) recertified under subsection (g).
- 34 (i) The limitations set forth in this section are part of the ordinance,
 35 but do not have to be specifically set forth in the ordinance. The
 36 ordinance must be construed, if possible, to comply with this chapter.
 37 If a provision of the ordinance or an application of the ordinance
 38 violates this chapter, the invalidity does not affect the other provisions
 39 or applications of the ordinance that can be given effect without the
 40 invalid provision or application. The provisions of the ordinance are
 41 severable.
- 42 (j) If a conflict exists between:



- 1 (1) a map showing the boundaries of a district; and
 2 (2) a description of the boundaries of that district set forth in the
 3 ordinance;
 4 the district boundaries are the description of the boundaries set forth in
 5 the ordinance, not the boundaries shown on the map, to the extent there
 6 is a conflict between the description and the map.
- 7 SECTION 81. IC 36-2-3-4.1 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: **Sec. 4.1. (a) This section applies only to a**
 10 **county:**
- 11 (1) that has a population of more than three hundred
 12 thousand (300,000) but less than four hundred thousand
 13 (400,000); and
 14 (2) in which a public question under IC 36-2-2.4 making the
 15 county executive a single county executive has been approved
 16 by the voters of the county.
- 17 (b) Effective for the 2018 general election, the county fiscal body
 18 shall by ordinance divide the county into nine (9) contiguous,
 19 single-member districts that comply with subsection (c). One (1)
 20 member of the fiscal body shall be elected by the voters of each of
 21 the nine (9) districts.
- 22 (c) Single-member districts established under subsection (b)
 23 must:
- 24 (1) be compact, subject only to natural boundary lines (such
 25 as railroads, major highways, rivers, creeks, parks, and major
 26 industrial complexes);
 27 (2) not cross precinct boundary lines;
 28 (3) contain, as nearly as possible, equal population;
 29 (4) include whole townships, except when a division is clearly
 30 necessary to accomplish redistricting under this section;
 31 (5) consider how communities of interest within the county
 32 can best be represented; and
 33 (6) be drawn so as to provide at least one (1) representative to
 34 each distinct community of interest to the extent practicable
 35 and not inconsistent with other applicable law.
- 36 (d) A division under subsection (b) shall be made:
 37 (1) effective for the 2018 general election; and
 38 (2) whenever the county executive adopts an order declaring
 39 a county boundary to be changed under IC 36-2-1-2.
- 40 (e) After a division is initially made under subsection (b),
 41 another division may be made in any odd-numbered year not
 42 described in subsection (d).



1 SECTION 82. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]:

4 **Chapter 3.7. County Council as the County Legislative Body**

5 **Sec. 1. Except as specifically provided by law, this chapter**
 6 **applies only to a county:**

- 7 (1) **having a population of more than three hundred thousand**
 8 **(300,000) but less than four hundred thousand (400,000); and**
 9 **(2) in which a public question under IC 36-2-2.4 making the**
 10 **county executive a single county executive has been approved**
 11 **by the voters of the county.**

12 **Sec. 2. As used in this chapter, "single county executive" means**
 13 **the single county executive elected under IC 3-10-2-13.**

14 **Sec. 3. (a) In a county to which this chapter applies:**

- 15 (1) **the voters of the county shall continue to elect members of**
 16 **the county council;**
 17 (2) **beginning on January 1, 2019:**
 18 (A) **the executive and legislative powers of the county are**
 19 **divided between separate branches of county government,**
 20 **and a power belonging to one (1) branch of county**
 21 **government may not be exercised by the other branch of**
 22 **county government;**
 23 (B) **the county council is the county legislative body as well**
 24 **as the county fiscal body; and**
 25 (C) **the single county executive is the county executive of**
 26 **the county and has the executive and administrative**
 27 **powers and duties of the county as provided in IC 36-2-2.5;**
 28 **and**
 29 (3) **the county council must consist of nine (9) members**
 30 **elected by the voters of each of the nine (9) districts.**

31 **(b) The following apply in a county to which this chapter**
 32 **applies:**

- 33 (1) **Nine (9) county council members shall be elected at the**
 34 **2018 general election.**
 35 (2) **The terms of all county council members serving on**
 36 **December 31, 2018, expire January 1, 2019.**
 37 (3) **Notwithstanding any other law, to provide for staggered**
 38 **terms of the members of the county council, the county**
 39 **council may, before the 2018 primary election, adopt a**
 40 **ordinance specifying which of the nine (9) members of the**
 41 **county council to be elected at the 2018 general election shall**
 42 **serve an initial term of two (2) years rather than four (4)**



- 1 years.
- 2 **Sec. 4. (a) All powers and duties of the county that are legislative**
- 3 **in nature, including any power of appointment related to legislative**
- 4 **functions, shall be exercised or performed by the county council**
- 5 **functioning as the county legislative body.**
- 6 **(b) The county council has the same legislative powers and**
- 7 **duties that the board of county commissioners in the county had**
- 8 **before the board of county commissioners was abolished.**
- 9 **(c) For purposes of a county subject to this chapter, after**
- 10 **December 31, 2018, any reference in:**
- 11 **(1) the Indiana Code;**
- 12 **(2) the Indiana Administrative Code;**
- 13 **(3) an ordinance or resolution; or**
- 14 **(4) any deed, lease, contract, or other official document or**
- 15 **instrument;**
- 16 **to the board of county commissioners pertaining to the legislative**
- 17 **powers of a county shall be considered a reference to the county**
- 18 **council of the county.**
- 19 **(d) For purposes of a county subject to this chapter, after**
- 20 **December 31, 2018, any reference in:**
- 21 **(1) the Indiana Code;**
- 22 **(2) the Indiana Administrative Code;**
- 23 **(3) an ordinance or resolution; or**
- 24 **(4) any deed, lease, contract, or other official document or**
- 25 **instrument;**
- 26 **related to the legislative powers and duties of the board of county**
- 27 **commissioners shall be considered a reference to the powers and**
- 28 **duties of the county council of the county.**
- 29 **Sec. 5. The county council may do any of the following:**
- 30 **(1) Establish committees that are necessary to carry out the**
- 31 **county council's functions.**
- 32 **(2) Employ legal and administrative personnel necessary to**
- 33 **carry out the county council's functions.**
- 34 **(3) Pass all ordinances, orders, resolutions, and motions for**
- 35 **the government of the county, in the manner prescribed by**
- 36 **IC 36-2-4.**
- 37 **(4) Receive gifts, bequests, and grants from public or private**
- 38 **sources.**
- 39 **(5) Conduct investigations into the conduct of county business**
- 40 **for the purpose of correcting deficiencies and ensuring**
- 41 **adherence to law and county ordinances and policies.**
- 42 **(6) Establish, by ordinance, new county departments,**



1 **divisions, or agencies whenever necessary to promote efficient**
 2 **county government.**

3 SECTION 83. IC 36-2-4-8, AS AMENDED BY P.L.159-2011,
 4 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is
 6 considered adopted when it is signed by the presiding officer. If
 7 required, an adopted ordinance, order, or resolution must be
 8 promulgated or published according to statute before it takes effect.

9 (b) An ordinance prescribing a penalty or forfeiture for a violation
 10 must, before it takes effect, be published once each week for two (2)
 11 consecutive weeks, according to IC 5-3-1. However, if such an
 12 ordinance is adopted by the legislative body of a county subject to
 13 **IC 36-2-2.5 or IC 36-2-3.5** and there is an urgent necessity requiring
 14 its immediate effectiveness, it need not be published if:

15 (1) the county executive proclaims the urgent necessity; and
 16 (2) copies of the ordinance are posted in three (3) public places in
 17 each of the districts of the county before it takes effect.

18 (c) The following apply in addition to the other requirements of this
 19 section:

20 (1) An ordinance or resolution passed by the legislative body of
 21 a county subject to **IC 36-2-2.5 or IC 36-2-3.5** is considered
 22 adopted only if it is:

23 (A) approved by signature of a majority of the county
 24 executive **(in the case of a county subject to IC 36-2-3.5) or**
 25 **by signature of the single county executive (in the case of**
 26 **a county subject to IC 36-2-2.5);**

27 (B) neither approved nor vetoed by a majority of the executive
 28 **(in the case of a county subject to IC 36-2-3.5) or by the**
 29 **single county executive (in the case of a county subject to**
 30 **IC 36-2-2.5),** within ten (10) days after passage by the
 31 legislative body; or

32 (C) passed over the veto of the executive by a two-thirds (2/3)
 33 vote of the legislative body, within sixty (60) days after
 34 presentation of the ordinance or resolution to the executive.

35 (2) Subject to subsection (g), the legislative body of a county
 36 shall:

37 (A) subject to subdivision (3), give written notice to the
 38 department of environmental management not later than sixty
 39 (60) days before amendment or repeal of an environmental
 40 restrictive ordinance; and

41 (B) give written notice to the department of environmental
 42 management not later than thirty (30) days after passage,



- 1 amendment, or repeal of an environmental restrictive
2 ordinance.
- 3 (3) Upon written request by the legislative body, the department
4 of environmental management may waive the notice requirement
5 of subdivision (2)(A).
- 6 (4) An environmental restrictive ordinance passed or amended
7 after 2009 by the legislative body must state the notice
8 requirements of subdivision (2).
- 9 (5) The failure of an environmental restrictive ordinance to
10 comply with subdivision (4) does not void the ordinance.
- 11 (d) After an ordinance or resolution passed by the legislative body
12 of a county subject to **IC 36-2-2.5** or IC 36-2-3.5 has been signed by
13 the presiding officer, the county auditor shall present it to the county
14 executive, and record the time of the presentation. Within ten (10) days
15 after an ordinance or resolution is presented to it, the executive shall:
- 16 (1) approve the ordinance or resolution, by signature of a majority
17 of the executive (**in the case of a county subject to IC 36-2-3.5**)
18 **or by signature of the single county executive (in the case of a**
19 **county subject to IC 36-2-2.5)**, and send the legislative body a
20 message announcing its approval; or
- 21 (2) veto the ordinance or resolution, by returning it to the
22 legislative body with a message announcing its veto and stating
23 its reasons for the veto.
- 24 (e) This section (other than subsection (c)(2)) does not apply to a
25 zoning ordinance or amendment to a zoning ordinance, or a resolution
26 approving a comprehensive plan, that is adopted under IC 36-7.
- 27 (f) An ordinance increasing a building permit fee on new
28 development must:
- 29 (1) be published:
- 30 (A) one (1) time in accordance with IC 5-3-1; and
31 (B) not later than thirty (30) days after the ordinance is
32 adopted by the legislative body in accordance with IC 5-3-1;
33 and
- 34 (2) delay the implementation of the fee increase for ninety (90)
35 days after the date the ordinance is published under subdivision
36 (1).
- 37 (g) The notice requirements of subsection (c)(2) apply only if the
38 municipal corporation received under IC 13-25-5-8.5(f) written notice
39 that the department is relying on the environmental restrictive
40 ordinance referred to in subsection (c)(2) as part of a risk based
41 remediation proposal:
- 42 (1) approved by the department; and



1 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or
2 IC 13-25-5.

3 SECTION 84. IC 36-2-15-5, AS AMENDED BY P.L.146-2008,
4 SECTION 693, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 5. (a) The
6 county assessor shall perform the functions assigned by statute to the
7 county assessor, including the following:

- 8 (1) Countywide equalization.
9 (2) Selection and maintenance of a countywide computer system.
10 (3) Certification of gross assessments to the county auditor.
11 (4) Discovery of omitted property.
12 (5) In:

13 (A) a township in which the transfer of duties of the elected
14 township assessor is required by subsection (c); or
15 (B) a township in which the duties relating to the assessment
16 of tangible property are not required to be performed by a
17 township assessor elected under IC 36-6-5;
18 performance of the assessment duties prescribed by IC 6-1.1.

- 19 (b) A transfer of duties between assessors does not affect:
20 (1) any assessment, assessment appeal, or other official action
21 made by an assessor before the transfer; or
22 (2) any pending action against, or the rights of any party that may
23 possess a legal claim against, an assessor that is not described in
24 subdivision (1).

25 Any assessment, assessment appeal, or other official action of an
26 assessor made by the assessor within the scope of the assessor's official
27 duties before the transfer is considered as having been made by the
28 assessor to whom the duties are transferred.

- 29 (c) If:
30 (1) for a particular general election after June 30, 2008, the person
31 elected to the office of township assessor has not attained the
32 certification of a level two assessor-appraiser; or
33 (2) for a particular general election after January 1, ~~2012~~, **2016**,
34 the person elected to the office of township assessor has not
35 attained the certification of a level three assessor-appraiser;

36 as provided in IC 3-8-1-23.6 before the date the term of office begins,
37 the assessment duties prescribed by IC 6-1.1 that would otherwise be
38 performed in the township by the township assessor are transferred to
39 the county assessor on that date. If assessment duties in a township are
40 transferred to the county assessor under this subsection, those
41 assessment duties are transferred back to the township assessor if at a
42 later election a person who has attained the required level of



1 certification referred to in subdivision (1) or (2) is elected to the office
2 of township assessor.

3 (d) If assessment duties in a township are transferred to the county
4 assessor under subsection (c), the office of elected township assessor
5 remains vacant for the period during which the assessment duties
6 prescribed by IC 6-1.1 are transferred to the county assessor.

7 (e) A referendum shall be held under sections 7.4 through 11 of this
8 chapter in each township in which the number of parcels of real
9 property on January 1, 2008, is at least fifteen thousand (15,000) to
10 determine whether to transfer to the county assessor the assessment
11 duties prescribed by IC 6-1.1 that would otherwise be performed by the
12 elected township assessor of the township.

13 SECTION 85. IC 36-4-1.5-2, AS AMENDED BY SEA 24-2014,
14 SECTION 119, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2014]: Sec. 2. A town may be changed into a
16 city through the following:

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

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

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

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

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

40 **IC 3-10-9.**

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

42 (i) not less than ~~thirty (30)~~ **seventy-four (74)** and not more



- 1 than ~~sixty (60)~~ **one hundred four (104)** days after the notice
 2 of the election; and
 3 (ii) not later than the next general election or municipal
 4 election, whichever is earlier, at which the question can be
 5 placed on the ballot under ~~IC 3-10-9-3~~. **IC 3-10-9**.
 6 (3) The town legislative body shall file a copy of the resolution
 7 adopted under subdivision (1) with the circuit court clerk of each
 8 county in which the town is located. The circuit court clerk shall
 9 immediately certify the resolution to the county election board.
 10 (4) The county election board shall give notice of the election in
 11 the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the
 12 election.
 13 (5) The question described in subdivision (1) shall be placed on
 14 the ballot in the form prescribed by IC 3-10-9-4. The text of the
 15 question shall be: "Shall the town of _____ change into a
 16 city?".
 17 (6) If a majority of the voters voting on the question described in
 18 subdivision (1) vote "yes", the town is changed into a city as
 19 provided in this chapter. If a majority of the voters voting on the
 20 question vote "no", the town remains a town.
 21 SECTION 86. IC 36-5-1-8, AS AMENDED BY P.L.147-2013,
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2014]: Sec. 8. (a) The county executive may approve a
 24 petition for incorporation only if it finds all of the following:
 25 (1) That the proposed town is used or will, in the reasonably
 26 foreseeable future, be used generally for commercial, industrial,
 27 residential, or similar purposes.
 28 (2) That the proposed town is reasonably compact and contiguous.
 29 (3) That the proposed town includes enough territory to allow for
 30 reasonable growth in the foreseeable future.
 31 (4) That a substantial majority of the property owners in the
 32 proposed town have agreed that at least six (6) of the following
 33 municipal services should be provided on an adequate basis:
 34 (A) Police protection.
 35 (B) Fire protection.
 36 (C) Street construction, maintenance, and lighting.
 37 (D) Sanitary sewers.
 38 (E) Storm sewers.
 39 (F) Health protection.
 40 (G) Parks and recreation.
 41 (H) Schools and education.
 42 (I) Planning, zoning, and subdivision control.



- 1 (J) One (1) or more utility services.
 2 (K) Stream pollution control or water conservation.
 3 (5) That the proposed town could finance the proposed municipal
 4 services with a reasonable tax rate, using the current assessed
 5 valuation of properties as a basis for calculation.
 6 (6) That incorporation is in the best interest of the territory
 7 involved. This finding must include a consideration of:
 8 (A) the expected growth and governmental needs of the area
 9 surrounding the proposed town;
 10 (B) the extent to which another unit can more adequately and
 11 economically provide essential services and functions; and
 12 (C) the extent to which the incorporators are willing to enter
 13 into agreements under IC 36-1-7 with the largest neighboring
 14 municipality, if that municipality has proposed such
 15 agreements.
 16 (b) If the county executive determines that the petition satisfies the
 17 requirements set forth in subsection (a), the county executive may do
 18 any of the following:
 19 (1) Adopt an ordinance under section 10.1 of this chapter
 20 incorporating the town.
 21 (2) Deny the petition.
 22 (3) Adopt a resolution to place a public question concerning the
 23 incorporation on the ballot at an election. The county executive
 24 shall request a date for the election as follows:
 25 (A) If the county executive requests the public question be on
 26 the same date as a general election or primary election:
 27 (i) the resolution must state that the election is to be on the
 28 same date as a general or primary election, and must be
 29 certified in accordance with IC 3-10-9-3; and
 30 (ii) the election must be held on the date of the next general
 31 election or primary election, whichever is earlier, at which
 32 the question can be placed on the ballot under IC 3-10-9-3.
 33 (B) If a petition contains a request for a special election, the
 34 county executive may request that the public question
 35 concerning the incorporation will be on the ballot of a special
 36 election. An election may be considered a special election only
 37 if it is conducted on a date other than the date of a general
 38 election or primary election. The date of the special election
 39 must be:
 40 (i) at least ~~thirty (30)~~ **seventy-four (74)** and not more than
 41 ~~sixty (60)~~ **one hundred four (104)** days after the notice of
 42 the election is filed under IC 3-10-8-4; and



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



- 1 ordinance under section 10.1 of this chapter.
- 2 (f) The circuit court clerk shall certify the results of a public
- 3 question under this section to the following:
- 4 (1) The county executive of each county in which the proposed
- 5 incorporated territory is located.
- 6 (2) The county auditor of each county in which the proposed
- 7 incorporated territory is located.
- 8 (3) The department of local government finance.
- 9 (4) The department of state revenue.
- 10 (5) The state board of accounts.
- 11 **(6) The office of the secretary of state.**
- 12 **(7) The office of census data established by IC 2-5-1.1-12.2.**
- 13 SECTION 87. IC 36-5-1-20 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section
- 15 does not apply to a town described by IC 36-5-1-11.5.
- 16 (b) A town subject to this chapter may be dissolved if the county
- 17 election board of the county in which the greatest percentage of
- 18 population of the town is located conducts a public hearing and finds
- 19 that the town has not elected town officers or had a functioning town
- 20 government during the preceding ten (10) years.
- 21 (c) The county election board shall certify the board's findings to the
- 22 county executive, who may adopt an ordinance or (in a county subject
- 23 to **IC 36-2-2.5 or IC 36-2-3.5**) issue an order to dissolve the town.
- 24 SECTION 88. IC 36-9-13-2 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. For purposes of
- 26 this chapter, the following are considered the governing bodies of their
- 27 respective eligible entities:
- 28 (1) Board of commissioners, for a county not subject to
- 29 **IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.**
- 30 (2) County council, for a county subject to **IC 36-2-2.5 or**
- 31 **IC 36-2-3.5.**
- 32 (3) City-county council, for a consolidated city or county having
- 33 a consolidated city.
- 34 (4) Common council, for a city other than a consolidated city.
- 35 (5) Town council, for a town.
- 36 (6) Trustee and township board, for a civil or school township.
- 37 (7) Board of school trustees, board of school commissioners, or
- 38 school board, for a school corporation.
- 39 (8) Board of trustees, for a health and hospital corporation.
- 40 SECTION 89. IC 36-9-27-5 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a
- 42 county having a consolidated city **or as provided in subsection (d),**



1 the drainage board consists of either:

2 (1) the county executive; or

3 (2) three (3) or five (5) persons, at least one (1) of whom must be
4 a member of the executive, appointed by the executive;

5 at the option of the executive. Appointees under subdivision (2) must
6 be resident freeholders of the county who are knowledgeable in
7 drainage matters. Freeholders appointed to the board serve for terms of
8 three (3) years, with their initial appointments made so as to provide for
9 staggering of terms on an annual basis. In addition, the county surveyor
10 serves on the board as an ex officio, nonvoting member.

11 (b) In a county having a consolidated city, the board of public works
12 of the consolidated city comprises the drainage board, subject to
13 IC 36-3-4-23.

14 (c) In a county having a consolidated city, the department of public
15 works of the consolidated city has all the powers, duties, and
16 responsibilities of the county surveyor under this chapter, subject to
17 IC 36-3-4-23.

18 **(d) The following apply in a county that is subject to**
19 **IC 36-2-2.5:**

20 **(1) The drainage board consists of:**

21 **(A) the single county executive; and**

22 **(B) two (2) or four (4) persons (as determined by the single**
23 **county executive) who are appointed by the single county**
24 **executive.**

25 **(2) Appointees under subdivision (1)(B) must be resident**
26 **freeholders of the county who are knowledgeable in drainage**
27 **matters.**

28 **(3) The freeholders appointed to the drainage board serve for**
29 **terms of three (3) years, with the freeholders' initial**
30 **appointments made so as to provide for staggering of terms**
31 **on an annual basis.**

32 **(4) The county surveyor serves on the drainage board as an ex**
33 **officio, nonvoting member.**

34 **(5) The terms of members serving on the drainage board at**
35 **the time the first single county executive is elected under**
36 **IC 36-2-2.5 expire on January 1, 2019, and the single county**
37 **executive shall make the appointments to the board as**
38 **provided in this subsection.**

39 SECTION 90. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1318, 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 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 9. IC 3-8-1-23.6, AS ADDED BY P.L.146-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 23.6. (a) ~~A person who runs in an election after June 30, 2008;~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who runs in an election after June 30, 2008**, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) ~~A person who runs in an election after January 1, 2012;~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who:**

(1) did not hold the office of township assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

(c) **A candidate for the office of township assessor under IC 36-6-5-1 who:**

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office."

Page 7, line 38, strike "(b)(2):" and insert "(c)(4):".

Page 10, line 28, delete "Except for a de minimis change identified as provided in".

Page 10, line 29, delete "subsection (d)".

Page 10, line 29, delete "the" and insert "The".

Page 10, line 36, after "and" insert **"the results of the testing by the independent laboratory under subsection (c) and"**.

Page 10, line 42, after "change" insert **"or a modification;"**.

Page 11, line 1, delete "that", begin a new line block indented and insert:

"(3) if the proposed improvement or change is a modification, whether the modification".

Page 11, line 4, delete "(3)" and insert **"(4)"**.

Page 11, line 22, delete "Except for a de minimis change identified as provided in".



Page 11, line 23, delete "subsection (d)".

Page 11, line 23, delete "the" and insert "The".

Page 11, line 30, after "and" insert **"the results of the testing by the independent laboratory under subsection (c) and"**.

Page 11, line 35, after "change" insert **"or a modification;"**.

Page 11, line 36, delete "that", begin a new line block indented and insert:

"(3) if the proposed improvement or change is a modification, whether the modification".

Page 11, line 39, delete "(3)" and insert **"(4)"**.

Page 20, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 34. IC 36-2-15-5, AS AMENDED BY P.L.146-2008, SECTION 693, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

- (1) Countywide equalization.
- (2) Selection and maintenance of a countywide computer system.
- (3) Certification of gross assessments to the county auditor.
- (4) Discovery of omitted property.
- (5) In:
 - (A) a township in which the transfer of duties of the elected township assessor is required by subsection (c); or
 - (B) a township in which the duties relating to the assessment of tangible property are not required to be performed by a township assessor elected under IC 36-6-5;

performance of the assessment duties prescribed by IC 6-1.1.

(b) A transfer of duties between assessors does not affect:

- (1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or
- (2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(c) If:

- (1) for a particular general election after June 30, 2008, the person elected to the office of township assessor has not attained the certification of a level two assessor-appraiser; or
- (2) for a particular general election after January 1, ~~2012~~, **2016**,



the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser; as provided in IC 3-8-1-23.6 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor if at a later election a person who has attained the required level of certification referred to in subdivision (1) or (2) is elected to the office of township assessor.

(d) If assessment duties in a township are transferred to the county assessor under subsection (c), the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor.

(e) A referendum shall be held under sections 7.4 through 11 of this chapter in each township in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000) to determine whether to transfer to the county assessor the assessment duties prescribed by IC 6-1.1 that would otherwise be performed by the elected township assessor of the township."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1318 as introduced.)

SMITH M, Chair

Committee Vote: yeas 8, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1318, 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 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**

- (1) board of county commissioners, for a county ~~not having that:~~
(A) does not have a consolidated city; **and**

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(B) is not subject to IC 36-2-2.5;
(2) single county executive elected under IC 3-10-2-13, for a county that:

- (A) does not have a consolidated city; and**
(B) is subject to IC 36-2-2.5;
~~(2)~~ **(3)** mayor of the consolidated city, for a county having a consolidated city;
~~(3)~~ **(4)** mayor, for a city;
~~(4)~~ **(5)** president of the town council, for a town; or
~~(5)~~ **(6)** trustee, for a township.

SECTION 3. IC 3-5-2-31.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.7. "Modification", for a certified voting system, refers to a change:**

- (1) in the software or firmware of the voting system; or**
(2) to the hardware of the voting system that:
(A) materially alters the system's reliability, functionality, capacity, or operation; or
(B) has a reasonable and identifiable potential to affect the voting system's operation and compliance with the applicable voting system standards."

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 11. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. **(a)** A candidate for the office of county commissioner must:

- (1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and
 (2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.

(b) This subsection applies only to elections in a county in which a single county executive under IC 36-2-2.5 is elected under IC 3-10-2-13. A candidate for the office of single county executive must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

SECTION 12. IC 3-8-1-23, AS AMENDED BY P.L.146-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) A candidate for the office of county assessor must:

- (1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of



the State of Indiana;

(2) own real property located in the county upon taking office;
and

(3) fulfill the requirements of subsections (b) through (d), as applicable.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

(c) A candidate for the office of county assessor who:

(1) did not hold the office of county assessor on January 1, 2012;
and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

(d) A candidate for the office of county assessor who:

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 **before taking office.**"

Page 6, line 4, delete "P.L.194-2013," and insert "SEA 24-2014, SECTION 3,".

Page 6, line 5, delete "SECTION 15,".

Page 10, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 22. IC 3-10-1-18, AS AMENDED BY P.L.221-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Except as provided by subsection (b), the names of all candidates for each office who have qualified under IC 3-8 shall be arranged in alphabetical order by surnames under the designation of the office.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The names of all candidates for each office who have qualified under IC 3-8, except for a school board office, precinct committeeman, or state convention delegate, shall be arranged in random order by surnames under the designation of the office. The random order shall be determined using a lottery. The lottery held in accordance with this subsection shall be conducted in public by the county election board. The lottery shall be held not later than fifteen (15) days following the last day for a declaration of candidacy under IC 3-8-2-4. All candidates whose names are to be arranged by way of the lottery shall be notified at least five (5) days prior to the lottery of the time and place at which the lottery is to be held. Each candidate



may have one (1) designated watcher, and each county political party may have one (1) designated watcher who shall be allowed to observe the lottery procedure.

(c) For paper ballots, the left margin of the ballot for each political party must show the name of the uppermost candidate printed to the right of the number 1, the next candidate number 2, the next candidate number 3, and so on, consecutively to the end of the ballot as prescribed in section 19 of this chapter. **The same order shall be followed for the printing of ballot labels and their placement on If ordered by a county election board or a board of elections and registration under IC 3-11-15-13.1(b), a ballot number or other candidate designation uniquely associated with the candidate must be displayed on the electronic voting system and for the printing of printed on the** ballot cards.

(d) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). If there is insufficient room on a row to list each candidate of a political party, a second or subsequent row may be utilized. However, a second or subsequent row may not be utilized unless the first row, and all preceding rows, have been filled.

SECTION 23. IC 3-10-1-19, AS AMENDED BY P.L.6-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

(1) AB _____

(2) CD _____

(3) EF _____

EH 1318—LS 6955/DI 75



(4) GH _____

(b) Local public questions shall be placed on the primary election ballot after the voting instructions described in subsection (a) and before the offices described in subsection (e).

(c) The local public questions described in subsection (b) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;
 (2) after the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) as provided by either of the following if voting is by an electronic voting system:

(A) On a separate screen for a public question.

(B) After the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-14-3.5.

(d) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
 if required by law.)

"Shall (insert public question)?"

YES

NO

(e) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Prosecuting attorney.



- (E) Circuit court clerk.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner. **This clause applies only to a county that is not subject to IC 36-2-2.5.**
 - (I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.**
 - ⊕ **(J) County council member.**
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.
 - (C) Township board member.
 - (D) Judge of the small claims court.
 - (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.
- (f) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (e):
 - (1) Precinct committeeman.
 - (2) State convention delegate.
- (g) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (f).
- (h) The offices described in subsection (g) shall be placed:
 - (1) in a separate column on the ballot if voting is by paper ballot;
 - (2) after the offices described in subsection (f) in the form specified in IC 3-11-13-11 if voting is by ballot card; or



(3) either:

- (A) on a separate screen for each office or public question; or
- (B) after the offices described in subsection (f) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 24. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner. **This subdivision applies only to a county that is not subject to IC 36-2-2.5.**
- (10) Single county executive. This subdivision applies only to a county that is subject to IC 36-2-2.5.**
- ~~(10)~~ **(11) County council member.**
- ~~(11)~~ **(12) Township trustee.**
- ~~(12)~~ **(13) Township board member.**
- ~~(13)~~ **(14) Township assessor (only in a township referred to in IC 36-6-5-1(d)).**
- ~~(14)~~ **(15) Judge of a small claims court.**
- ~~(15)~~ **(16) Constable of a small claims court.**

SECTION 25. IC 3-11-2-12, AS AMENDED BY P.L.6-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.
 - (G) Attorney general.



- (H) Superintendent of public instruction.
- (I) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Prosecuting attorney.
 - (E) Clerk of the circuit court.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner. **This clause applies only to a county that is not subject to IC 36-2-2.5.**
 - (I) **Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.**
 - (J) County council member.
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.
 - (C) Township board member.
 - (D) Judge of the small claims court.
 - (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.



(B) Judge of the town court.

(C) Town council member.

SECTION 26. IC 3-11-3-29.4, AS ADDED BY P.L.194-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29.4. (a) This section applies to a candidate who has filed with a circuit court clerk or board of elections and registration as a candidate for:

(1) nomination in a primary election or municipal primary election; **or**

(2) **election to a political party office in a primary election.**

(b) If the county election board determines by unanimous vote of the entire membership that there is good cause to believe that a candidate has died, the board shall not print the name of the candidate on the primary ballot.

(c) However, if the county election board has already printed ballots containing the name of the deceased candidate, the county may provide those ballots to voters and shall not reprint the ballot to remove the name of the deceased candidate.

(d) A voter who has cast a ballot containing the name of a deceased candidate is entitled to request a replacement absentee ballot under IC 3-11-10-1.5.

(e) Any vote cast for a deceased candidate in the primary election is void."

Page 10, line 40, delete "JULY 1, 2014]:" and insert "UPON PASSAGE]:".

Page 11, line 37, delete "JULY 1, 2014]:" and insert "UPON PASSAGE]:".

Page 19, line 2, strike "the deadline for".

Page 19, line 3, strike "counting provisional ballots under IC 3-11.7-5-1." and insert "**noon ten (10) days following the election.**".

Page 20, between lines 7 and 8, begin a new paragraph and insert: "SECTION 42. IC 13-11-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive" means the:

(1) board of commissioners of a county ~~not having that:~~

(A) **does not have** a consolidated city; **and**

(B) **is not subject to IC 36-2-2.5;**

(2) **single county executive elected under IC 3-10-2-13, for a county that:**

(A) **does not have a consolidated city; and**

(B) **is subject to IC 36-2-2.5;**



- (2) (3) mayor of the consolidated city, for a county having a consolidated city;
- (3) (4) mayor of a city; or
- (4) (5) president of the town council of a town.

SECTION 43. IC 20-24-2.3-2, AS ADDED BY P.L.280-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "executive" has the meaning set forth in ~~IC 36-1-2-5(2)~~. **IC 36-1-2-5(3)**."

Page 20, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 45. IC 33-42-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following may subscribe and administer oaths and take acknowledgments of all documents pertaining to all matters where an oath is required:

- (1) Notaries public.
- (2) **An official court reporter acting under IC 33-41-1-6.**
- (2) (3) Justices and judges of courts, in their respective jurisdictions.
- (3) (4) The secretary of state.
- (4) (5) The clerk of the supreme court.
- (5) (6) Mayors, clerks, clerk-treasurers of towns and cities, and township trustees, in their respective towns, cities, and townships.
- (6) (7) Clerks of circuit courts and master commissioners, in their respective counties.
- (7) (8) Judges of United States district courts of Indiana, in their respective jurisdictions.
- (8) (9) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.
- (9) (10) A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.
- (10) (11) A member of the Indiana election commission, a co-director of the election division, or an employee of the election division under IC 3-6-4.2.
- (11) (12) County auditors, in their respective counties.
- (12) (13) Any member of the general assembly anywhere in Indiana.

SECTION 46. IC 35-51-36-1, AS AMENDED BY P.L.132-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following statutes define crimes in IC 36:

- IC 36-2-2-13 (Concerning county government).
- IC 36-2-2.5-15 (Concerning single county executives).**

EH 1318—LS 6955/DI 75



IC 36-2-6-8 (Concerning county government).
 IC 36-2-6-12 (Concerning county government).
 IC 36-2-7-18 (Concerning county government).
 IC 36-2-8-6 (Concerning county government).
 IC 36-2-9-13 (Concerning county government).
 IC 36-2-9-14 (Concerning county government).
 IC 36-2-9.5-7 (Concerning county government).
 IC 36-2-9.5-9 (Concerning county government).
 IC 36-2-13-5 (Concerning county government).
 IC 36-2-14-10 (Concerning county government).
 IC 36-2-14-17 (Concerning county government).
 IC 36-2-14-21 (Concerning county government).
 IC 36-4-8-13 (Concerning government of cities and towns).
 IC 36-7-12-27.5 (Concerning planning and development).
 IC 36-7-14-40 (Concerning planning and development).
 IC 36-7-15.1-27 (Concerning planning and development).
 IC 36-7-30-28 (Concerning planning and development).
 IC 36-7-30.5-36 (Concerning planning and development).
 IC 36-8-3.5-23 (Concerning public safety).
 IC 36-8-10-9 (Concerning public safety).
 IC 36-8-16.7-41 (Concerning public safety).
 IC 36-8-16.7-45 (Concerning public safety).
 IC 36-8-16.7-46 (Concerning public safety).
 IC 36-9-14-7 (Concerning transportation and public works).
 IC 36-10-3-39 (Concerning recreation, culture, and community facilities).
 IC 36-10-4-5 (Concerning recreation, culture, and community facilities).
 IC 36-10-4-40 (Concerning recreation, culture, and community facilities).

SECTION 47. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive" means **the:**

- (1) board of commissioners, for a county ~~not having that:~~
 - (A) **does not have** a consolidated city; **and**
 - (B) **is not subject to IC 36-2-2.5;**
- (2) **single county executive elected under IC 3-10-2-13, for a county that:**
 - (A) **does not have a consolidated city; and**
 - (B) **is subject to IC 36-2-2.5;**
- ~~(3)~~ (3) mayor of the consolidated city, for a county having a consolidated city;



- ~~(3)~~ **(4)** mayor, for a city;
- ~~(4)~~ **(5)** president of the town council, for a town;
- ~~(5)~~ **(6)** trustee, for a township;
- ~~(6)~~ **(7)** superintendent, for a school corporation; or
- ~~(7)~~ **(8)** chief executive officer, for any other political subdivision.

SECTION 48. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. "Legislative body" means the:

- (1) board of county commissioners, for a county not subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1;
- (2) county council, for a county subject to **IC 36-2-2.5** or IC 36-2-3.5;
- (3) city-county council, for a consolidated city or county having a consolidated city;
- (4) common council, for a city other than a consolidated city;
- (5) town council, for a town;
- (6) township board, for a township;
- (7) governing body of any other political subdivision that has a governing body; or
- (8) chief executive officer of any other political subdivision that does not have a governing body.

SECTION 49. IC 36-1-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. "Works board" means **the:**

- (1) board of commissioners, for a county:
 - (A) not having a consolidated city; and**
 - (B) not subject to IC 36-2-2.5;**
- (2) single county executive for a county:**
 - (A) not having a consolidated city; and**
 - (B) subject to IC 36-2-2.5;**
- ~~(2)~~ **(3)** board of public works or board of public works and safety, for a city; or
- ~~(3)~~ **(4)** town council, for a town.

SECTION 50. IC 36-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either:

- (1) if the unit is a county or municipality, adopt an ordinance



- prescribing a specific manner for exercising the power;
- (2) if the unit is a township, adopt a resolution prescribing a specific manner for exercising the power; or
- (3) comply with a statutory provision permitting a specific manner for exercising the power.

(c) An ordinance under subsection (b)(1) must be adopted as follows:

- (1) In a municipality, by the legislative body of the municipality.
- (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1, by the legislative body of the county.
- (3) In any other county, by the executive of the county.

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township.

SECTION 51. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as specifically provided**, this chapter ~~applies to all counties~~ **does not apply to the following**:

- (1) **A county** having a consolidated city.
- (2) **A county in which a single county executive has been elected and is serving under IC 36-2-2.5.**

SECTION 52. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.4. Determination of County Government Structure

Sec. 1. This chapter applies only to a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

Sec. 2. A public question shall be held in the county on whether the executive and legislative structure and functions of the county should be reorganized under IC 36-2-2.5.

Sec. 3. The county election board shall place the following public question on the ballot at the general election held in November 2014:

"Shall the county government of (insert the name of the county) County be reorganized to place all executive powers in a single county executive and to place all legislative and fiscal powers in the county council?"

Sec. 4. IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter. A public question under this chapter must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.



Sec. 5. If a majority of the voters of a county who vote on a public question placed on the ballot under this chapter vote in favor of the public question, the executive and legislative structure and functions of the county shall be reorganized under IC 36-2-2.5.

SECTION 53. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Single County Executive

Sec. 1. Except as specifically provided by law, this chapter applies only to a county:

- (1) that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and
- (2) in which a public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

Sec. 2. As used in this chapter, "single county executive" means the single county executive elected under IC 3-10-2-13.

Sec. 3. In a county to which this chapter applies:

- (1) the voters of the county:
 - (A) shall elect one (1) single county executive in the 2018 general election and every four (4) years thereafter; and
 - (B) beginning with the 2018 general election, shall not elect a board of county commissioners;
- (2) the board of county commissioners for the county is abolished January 1, 2019;
- (3) notwithstanding IC 36-2-2-3, the term of each county commissioner serving on December 31, 2018, expires January 1, 2019;
- (4) the county council shall divide the county into nine (9) contiguous, single-member county council districts as required by IC 36-2-3-4.1; and
- (5) beginning January 1, 2019, the county council must consist of nine (9) members elected from single-member county council districts.

Sec. 4. (a) The term of office of a single county executive is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(b) To be eligible for election as the single county executive, an individual must meet the qualifications under IC 3-8-1-21. If an individual does not remain a resident of the county after taking office as the single county executive, the individual forfeits the



office. The county legislative body shall declare the office vacant whenever the single county executive forfeits the office under this subsection.

(c) If the office of single county executive becomes vacant, the county council shall appoint an individual to serve as the single county executive until the office is filled under IC 3-13.

Sec. 5. (a) On January 1, 2019, all property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county commissioners of a county are transferred to or assumed by the single county executive.

(b) The abolishment of the board of county commissioners of a county on January 1, 2019, does not invalidate any:

- (1) ordinances, resolutions, fees, schedules, or other actions adopted or taken by the board of county commissioners before the board is abolished; or
- (2) appointments made by the board of county commissioners before the board is abolished.

Sec. 6. (a) Notwithstanding any other provision, a single county executive has the power to make any appointments that the board of county commissioners made before the board was abolished.

(b) All powers and duties of the county that are executive or administrative in nature (including any power of appointment related to executive or administrative functions) shall be exercised or performed by the single county executive, except to the extent that these powers and duties are expressly assigned by law to another elected or appointed officer. The single county executive shall transact the business of the county in the name of the county.

(c) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

- (1) the Indiana Code;
- (2) the Indiana Administrative Code;
- (3) an ordinance or resolution; or
- (4) any deed, lease, contract, or other official document or instrument;

to the board of county commissioners pertaining to the executive powers of a county shall be considered a reference to the single county executive of the county.

(d) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

- (1) the Indiana Code;
- (2) the Indiana Administrative Code;
- (3) an ordinance or resolution; or



(4) any deed, lease, contract, or other official document or instrument;
 related to the executive powers and duties of the board of county commissioners shall be considered a reference to the powers and duties of the single county executive of the county.

(e) For purposes of a county subject to this chapter, after December 31, 2018, the county council has the legislative and fiscal powers and duties of the county under IC 36-2-3.7.

Sec. 7. The single county executive shall do the following:

- (1) Report on the condition of the county before March 1 of each year to the county legislative body and to the county residents.
- (2) Recommend before March 1 of each year to the county legislative body any action or program the single county executive considers necessary for the improvement of the county and the welfare of county residents.
- (3) Submit to the county legislative body an annual budget in accordance with IC 36-2-5.
- (4) Establish procedures to be followed by all county departments, offices, and agencies under the single county executive's jurisdiction to the extent these procedures are not expressly assigned by law to another elected or appointed officer.
- (5) Administer all statutes, ordinances, and regulations applicable to the county, to the extent the administration of these matters is not expressly assigned by law to another elected or appointed officer.
- (6) Supervise the care and custody of all county property.
- (7) Supervise the collection of revenues, control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned by law to another elected or appointed officer.
- (8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report on and make recommendations concerning the services, finances, and programs to the county legislative body by March 15 of each year.
- (9) Negotiate contracts for the county.
- (10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.



(11) Supervise county administrative offices, except for the offices of elected officers.

(12) Do the following in January of each year:

(A) Make a settlement with the county treasurer for the preceding calendar year, and include a copy of the settlement sheet in the order book of the single county executive.

(B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The single county executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

(13) Perform other duties and functions that are assigned to the single county executive by statute or ordinance.

Sec. 8. The single county executive may do any of the following:

(1) Order any department, office, or agency under the single county executive's jurisdiction to undertake any task for another department, office, or agency under the single county executive's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.

(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.

(3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.

(4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.

(5) Make orders concerning county property, including orders for:

(A) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and

(B) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of one thousand dollars (\$1,000) or more must be authorized by an ordinance of the county legislative body fixing the terms and conditions of the transaction.

Sec. 9. (a) The single county executive shall establish and maintain a county courthouse, county jail, and public offices for



the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, and the county surveyor.

(b) Offices for the county surveyor must be in the courthouse or at the county seat.

(c) Offices for the county sheriff may be located:

- (1) in the courthouse;
- (2) inside the corporate limits of the county seat; or
- (3) outside the corporate limits of the county seat but within the limits of the county.

Sec. 10. (a) The single county executive may grant licenses, permits, or franchises for the use of county property if the licenses, permits, or franchises:

- (1) are not exclusive;
- (2) are of a definite duration; and
- (3) are assignable only with the consent of the single county executive.

(b) If a public utility or municipally owned or operated utility that carries on business outside the corporate boundaries of municipalities in the county is engaged in an activity substantially similar to that for which a license, permit, or franchise for the use of county property is sought, the single county executive may grant the license, permit, or franchise only with the consent of the Indiana utility regulatory commission. The commission may give its consent only if the commission determines, after a public hearing of all interested parties, that public necessity and convenience require the substantially similar activity.

(c) The provisions of this section that concern securing the consent of the Indiana utility regulatory commission do not apply to municipally owned or operated utilities.

Sec. 11. Notwithstanding any other law, if a statute requires a county executive to take an executive action by ordinance or resolution, a single county executive shall instead take the action by issuing an executive order.

Sec. 12. (a) If the single county executive is disqualified from acting in a quasi-judicial proceeding, the single county executive shall cease to act in that proceeding. Not later than ten (10) days after the finding that the single county executive is disqualified to act in a proceeding, the county auditor shall send a certified copy of the record of the proceeding to the judge of the circuit court for the county. If the judge affirms the disqualification of the single county executive, the judge shall appoint a disinterested and competent person to serve as a special executive in the proceeding.



(b) A person who consents to serve as a special executive must have the same qualifications as an elected single county executive. The person's appointment and oath shall be filed with the county auditor and entered on the records of the single county executive. A person appointed as a special executive may conduct the proceeding until a final determination is reached.

Sec. 13. The single county executive shall keep the single county executive's office open on each business day.

Sec. 14. Appointments made by the single county executive under section 6(a) of this chapter shall be attested to by the county auditor, under the seal of the single county executive.

Sec. 15. (a) The single county executive may employ a person:

(1) to perform a duty required of a county officer by statute;

or

(2) on a commission or percentage basis;

only if the employment is expressly authorized by statute or is found by the single county executive to be necessary to the public interest.

(b) If a person's employment under subsection (a) is not expressly authorized by statute, the contract for the person's employment must be filed with the circuit court for the county, and the person must file the person's claims for compensation with that court. Any taxpayer may contest a claim under this section.

(c) A single county executive who knowingly, intentionally, or recklessly violates this section commits a Class C misdemeanor and forfeits the single county executive's office.

Sec. 16. (a) If a party to a proceeding before the single county executive is aggrieved by a decision of the single county executive, the party may appeal that decision to the circuit court for the county.

(b) A person who is not a party to a proceeding before the single county executive may appeal a decision of the single county executive only if the person files with the county auditor an affidavit:

(1) specifically setting forth the person's interest in the matter decided; and

(2) alleging that the person is aggrieved by the decision of the single county executive.

(c) An appeal under this section must be taken not later than thirty (30) days after the single county executive makes the decision by which the appellant is aggrieved.

(d) An appellant under this section must file with the county



auditor a bond conditioned on due prosecution of the appeal. The bond is subject to approval by the county auditor and must be in an amount sufficient to provide security for court costs.

(e) Not later than twenty (20) days after the county auditor receives the appeal bond, the county auditor shall prepare a complete transcript of the proceedings of the single county executive related to the decision appealed from and shall deliver the transcript, all documents filed during the proceedings, and the appeal bond to the clerk of the circuit court.

Sec. 17. (a) An appeal under section 16 of this chapter shall be docketed among the other causes pending in the circuit court and shall be tried as an original cause.

(b) A court may decide an appeal under section 16 of this chapter by:

- (1) affirming the decision of the single county executive; or
- (2) remanding the cause to the single county executive with directions as to how to proceed;

and may require the single county executive to comply with this decision.

Sec. 18. (a) The county auditor or the single county executive may administer any oaths required by this chapter.

(b) The sheriff or a county police officer shall attend any meeting with the single county executive at the request of the single county executive.

Sec. 19. (a) Appointments made by the single county executive shall be certified by the county auditor, under the seal of the single county executive.

(b) If a copy of the single county executive's proceedings has been signed and sealed by the county auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the single county executive's proceedings.

Sec. 20. (a) The single county executive may employ and fix the compensation of an attorney to represent and advise the executive.

(b) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, employment by a single county executive as an attorney does not constitute a lucrative office.

SECTION 54. IC 36-2-2.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.7. Reversion to Previous County Government Structure

Sec. 1. This chapter applies only to a county that has a



population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

Sec. 2. As used in this chapter, "single county executive" means the single county executive elected under IC 3-10-2-13.

Sec. 3. A county that elects a single county executive under IC 36-2-2.5 may, as provided in this chapter, revert to a county government structure that has a board of county commissioners rather than a single county executive.

Sec. 4. (a) Subject to subsection (b), the county council may adopt an ordinance providing that the voters of the county shall elect:

- (1) a three (3) member board of county commissioners that has the executive and legislative powers and duties of the county; and
- (2) a county council that has the fiscal powers and duties of the county.

(b) An ordinance described in subsection (a) may be adopted under this chapter only:

- (1) during an odd-numbered year; or
- (2) before July 1 of an even-numbered year.

(c) If an ordinance is adopted under this section:

- (1) the county auditor shall certify the adoption of the ordinance to the county election board; and
- (2) a vote on a public question shall be held in the county under section 5 of this chapter on whether the executive and legislative structure and functions of the county should be reorganized under section 6 of this chapter.

Sec. 5. (a) If an ordinance is certified under section 4 of this chapter, the county election board shall place the following public question on the ballot at the next general election held in the county after the ordinance is certified:

"Shall the county government of (insert the name of the county) County be reorganized to elect a board of county commissioners rather than a single county executive?"

(b) IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter. A public question under this chapter must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(c) If a majority of the voters of a county who vote on a public question placed on the ballot under this section vote in favor of the public question, the executive and legislative structure and



functions of the county shall be reorganized under section 6 of this chapter.

Sec. 6. The following apply if a majority of the voters of a county who vote on a public question placed on the ballot under section 5 of this chapter vote in favor of the public question:

(1) The executive, the executive and legislative structure, and the functions of the county are reorganized as provided in this section.

(2) The voters of the county shall elect:

(A) a three (3) member board of county commissioners that has the executive and legislative powers and duties of the county; and

(B) a county council that has the fiscal powers and duties of the county.

(3) The office of the board of county commissioners shall be placed on the primary election ballot for the county in the year of the second general election after the public question is approved. The office of single county executive shall not be placed on the primary election ballot for the county in the year of the second general election after the public question is approved.

(4) The office of the board of county commissioners shall be placed on the general election ballot for the county at the second general election after the public question is approved and, except as provided in subdivision (6) to provide for staggered terms, every four (4) years thereafter. Beginning with the second general election after the public question is approved, the county shall not elect a single county executive.

(5) On January 1 in the year following the year that the board of county commissioners is elected under this chapter, the following occur:

(A) The office of single county executive is abolished, and the term of the single county executive expires.

(B) The county is not subject to IC 36-2-2.5 and IC 36-2-3.7.

(C) The county executive is the board of county commissioners elected under IC 36-2-2. The board of county commissioners has all powers that are executive or administrative in nature.

(D) The county legislative body is the board of county commissioners, and all powers that are legislative in nature are transferred from the county fiscal body to the board of



county commissioners.

(E) The county council is the county fiscal body.

(F) All property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the single county executive are transferred to or assumed by the board of county commissioners.

(6) Notwithstanding IC 36-2-2-3, to provide for staggered terms of the members of the board of county commissioners elected after the structure and functions of the county are reorganized under this chapter, the county council may, before the primary election described in subdivision (3), adopt an ordinance specifying which of the three (3) board of county commissioner members to be elected at the second general election after the public question is approved shall serve an initial term of two (2) years rather than four (4) years.

(7) The abolishment of the office of the single county executive on January 1 following the year in which the board of county commissioners is elected does not invalidate:

(A) any resolutions, fees, schedules, or other actions adopted or taken by the single county executive before the office is abolished; or

(B) any appointments made by the single county executive before the office is abolished.

(8) Effective with the second general election after the public question is approved under section 5 of this chapter, the county council shall be elected with four (4) single-member county council districts and three (3) at-large members under IC 36-2-3-4. The county council shall divide the county into the four (4) contiguous, single-member county council districts in the manner specified in IC 36-2-3-4. The terms of all county council members serving at the time of the second general election after the public question is approved under section 5 of this chapter expire January 1 following the election. Notwithstanding any other law, to provide for staggered terms of the members of the county council, the county council may, before the primary election preceding the general election at which county council members will be elected as provided in this subdivision, adopt an ordinance specifying which of the members of the county council to be elected at the second general election after the public question is approved shall serve an initial term of two (2) years rather than four (4) years.



SECTION 55. IC 36-2-3-4, AS AMENDED BY P.L.271-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

Except as provided in section 4.1 of this chapter, the county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the fiscal body shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) Except as provided by subsection (g), a division under subsection (a), (b), or (c) shall be made:



(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e). **In a county in which a public question is approved under IC 36-2-2.7-5, a division under subsection (a) shall be made by the county council during the year before county council members will be elected under IC 36-2-2.7-6(8).**

(g) This subsection applies during the first year after a year in which a federal decennial census is conducted. If the county executive, county redistricting commission, or county fiscal body determines that a division under subsection (e) is not required, the county executive, county redistricting commission, or county fiscal body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(h) Each time there is a division under subsection (e) or (f) or a recertification under subsection (g), the county executive, county redistricting commission, or county fiscal body shall file with the circuit court clerk of the county, not later than thirty (30) days after the division or recertification occurs, a map of the district boundaries:

(1) adopted under subsection (e) or (f); or

(2) recertified under subsection (g).

(i) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(j) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the ordinance;

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

SECTION 56. IC 36-2-3-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) This section applies only to a**



county:

- (1) that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and
- (2) in which a public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

(b) Effective for the 2018 general election, the county fiscal body shall by ordinance divide the county into nine (9) contiguous, single-member districts that comply with subsection (c). One (1) member of the fiscal body shall be elected by the voters of each of the nine (9) districts.

(c) Single-member districts established under subsection (b) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population;
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section;
- (5) consider how communities of interest within the county can best be represented; and
- (6) be drawn so as to provide at least one (1) representative to each distinct community of interest to the extent practicable and not inconsistent with other applicable law.

(d) A division under subsection (b) shall be made:

- (1) effective for the 2018 general election; and
- (2) whenever the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(e) After a division is initially made under subsection (b), another division may be made in any odd-numbered year not described in subsection (d).

SECTION 57. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.7. County Council as the County Legislative Body

Sec. 1. Except as specifically provided by law, this chapter applies only to a county:

- (1) having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and
- (2) in which a public question under IC 36-2-2.4 making the



county executive a single county executive has been approved by the voters of the county.

Sec. 2. As used in this chapter, "single county executive" means the single county executive elected under IC 3-10-2-13.

Sec. 3. (a) In a county to which this chapter applies:

(1) the voters of the county shall continue to elect members of the county council;

(2) beginning on January 1, 2019:

(A) the executive and legislative powers of the county are divided between separate branches of county government, and a power belonging to one (1) branch of county government may not be exercised by the other branch of county government;

(B) the county council is the county legislative body as well as the county fiscal body; and

(C) the single county executive is the county executive of the county and has the executive and administrative powers and duties of the county as provided in IC 36-2-2.5; and

(3) the county council must consist of nine (9) members elected by the voters of each of the nine (9) districts.

(b) The following apply in a county to which this chapter applies:

(1) Nine (9) county council members shall be elected at the 2018 general election.

(2) The terms of all county council members serving on December 31, 2018, expire January 1, 2019.

(3) Notwithstanding any other law, to provide for staggered terms of the members of the county council, the county council may, before the 2018 primary election, adopt an ordinance specifying which of the nine (9) members of the county council to be elected at the 2018 general election shall serve an initial term of two (2) years rather than four (4) years.

Sec. 4. (a) All powers and duties of the county that are legislative in nature, including any power of appointment related to legislative functions, shall be exercised or performed by the county council functioning as the county legislative body.

(b) The county council has the same legislative powers and duties that the board of county commissioners in the county had before the board of county commissioners was abolished.

(c) For purposes of a county subject to this chapter, after



December 31, 2018, any reference in:

- (1) the Indiana Code;**
- (2) the Indiana Administrative Code;**
- (3) an ordinance or resolution; or**
- (4) any deed, lease, contract, or other official document or instrument;**

to the board of county commissioners pertaining to the legislative powers of a county shall be considered a reference to the county council of the county.

(d) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

- (1) the Indiana Code;**
- (2) the Indiana Administrative Code;**
- (3) an ordinance or resolution; or**
- (4) any deed, lease, contract, or other official document or instrument;**

related to the legislative powers and duties of the board of county commissioners shall be considered a reference to the powers and duties of the county council of the county.

Sec. 5. The county council may do any of the following:

- (1) Establish committees that are necessary to carry out the county council's functions.**
- (2) Employ legal and administrative personnel necessary to carry out the county council's functions.**
- (3) Pass all ordinances, orders, resolutions, and motions for the government of the county, in the manner prescribed by IC 36-2-4.**
- (4) Receive gifts, bequests, and grants from public or private sources.**
- (5) Conduct investigations into the conduct of county business for the purpose of correcting deficiencies and ensuring adherence to law and county ordinances and policies.**
- (6) Establish, by ordinance, new county departments, divisions, or agencies whenever necessary to promote efficient county government.**

SECTION 58. IC 36-2-4-8, AS AMENDED BY P.L.159-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

(b) An ordinance prescribing a penalty or forfeiture for a violation



must, before it takes effect, be published once each week for two (2) consecutive weeks, according to IC 5-3-1. However, if such an ordinance is adopted by the legislative body of a county subject to **IC 36-2-2.5 or IC 36-2-3.5** and there is an urgent necessity requiring its immediate effectiveness, it need not be published if:

- (1) the county executive proclaims the urgent necessity; and
- (2) copies of the ordinance are posted in three (3) public places in each of the districts of the county before it takes effect.

(c) The following apply in addition to the other requirements of this section:

- (1) An ordinance or resolution passed by the legislative body of a county subject to **IC 36-2-2.5 or IC 36-2-3.5** is considered adopted only if it is:

- (A) approved by signature of a majority of the county executive **(in the case of a county subject to IC 36-2-3.5) or by signature of the single county executive (in the case of a county subject to IC 36-2-2.5);**

- (B) neither approved nor vetoed by a majority of the executive **(in the case of a county subject to IC 36-2-3.5) or by the single county executive (in the case of a county subject to IC 36-2-2.5)**, within ten (10) days after passage by the legislative body; or

- (C) passed over the veto of the executive by a two-thirds (2/3) vote of the legislative body, within sixty (60) days after presentation of the ordinance or resolution to the executive.

- (2) Subject to subsection (g), the legislative body of a county shall:

- (A) subject to subdivision (3), give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and

- (B) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

- (3) Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subdivision (2)(A).

- (4) An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subdivision (2).

- (5) The failure of an environmental restrictive ordinance to



comply with subdivision (4) does not void the ordinance.

(d) After an ordinance or resolution passed by the legislative body of a county subject to **IC 36-2-2.5** or IC 36-2-3.5 has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:

- (1) approve the ordinance or resolution, by signature of a majority of the executive **(in the case of a county subject to IC 36-2-3.5) or by signature of the single county executive (in the case of a county subject to IC 36-2-2.5)**, and send the legislative body a message announcing its approval; or
- (2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

(e) This section (other than subsection (c)(2)) does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(f) An ordinance increasing a building permit fee on new development must:

- (1) be published:
 - (A) one (1) time in accordance with IC 5-3-1; and
 - (B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and
- (2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

(g) The notice requirements of subsection (c)(2) apply only if the municipal corporation received under IC 13-25-5-8.5(f) written notice that the department is relying on the environmental restrictive ordinance referred to in subsection (c)(2) as part of a risk based remediation proposal:

- (1) approved by the department; and
- (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5."

Page 22, line 4, delete "P.L.202-2013," and insert "SEA 24-2014, SECTION 119,".

Page 22, line 5, delete "SECTION 29,".

Page 26, between lines 3 and 4, begin a new paragraph and insert:
 "SECTION 62. IC 36-5-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section does not apply to a town described by IC 36-5-1-11.5.



(b) A town subject to this chapter may be dissolved if the county election board of the county in which the greatest percentage of population of the town is located conducts a public hearing and finds that the town has not elected town officers or had a functioning town government during the preceding ten (10) years.

(c) The county election board shall certify the board's findings to the county executive, who may adopt an ordinance or (in a county subject to **IC 36-2-2.5** or IC 36-2-3.5) issue an order to dissolve the town.

SECTION 63. IC 36-9-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

- (1) Board of commissioners, for a county not subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1.
- (2) County council, for a county subject to **IC 36-2-2.5** or IC 36-2-3.5.
- (3) City-county council, for a consolidated city or county having a consolidated city.
- (4) Common council, for a city other than a consolidated city.
- (5) Town council, for a town.
- (6) Trustee and township board, for a civil or school township.
- (7) Board of school trustees, board of school commissioners, or school board, for a school corporation.
- (8) Board of trustees, for a health and hospital corporation.

SECTION 64. IC 36-9-27-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a county having a consolidated city **or as provided in subsection (d)**, the drainage board consists of either:

- (1) the county executive; or
- (2) three (3) or five (5) persons, at least one (1) of whom must be a member of the executive, appointed by the executive;

at the option of the executive. Appointees under subdivision (2) must be resident freeholders of the county who are knowledgeable in drainage matters. Freeholders appointed to the board serve for terms of three (3) years, with their initial appointments made so as to provide for staggering of terms on an annual basis. In addition, the county surveyor serves on the board as an ex officio, nonvoting member.

(b) In a county having a consolidated city, the board of public works of the consolidated city comprises the drainage board, subject to IC 36-3-4-23.

(c) In a county having a consolidated city, the department of public works of the consolidated city has all the powers, duties, and



responsibilities of the county surveyor under this chapter, subject to IC 36-3-4-23.

(d) The following apply in a county that is subject to IC 36-2-2.5:

- (1) The drainage board consists of:**
 - (A) the single county executive; and**
 - (B) two (2) or four (4) persons (as determined by the single county executive) who are appointed by the single county executive.**
- (2) Appointees under subdivision (1)(B) must be resident freeholders of the county who are knowledgeable in drainage matters.**
- (3) The freeholders appointed to the drainage board serve for terms of three (3) years, with the freeholders' initial appointments made so as to provide for staggering of terms on an annual basis.**
- (4) The county surveyor serves on the drainage board as an ex officio, nonvoting member.**
- (5) The terms of members serving on the drainage board at the time the first single county executive is elected under IC 36-2-2.5 expire on January 1, 2019, and the single county executive shall make the appointments to the board as provided in this subsection."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1318 Printer's Error as printed January 28, 2014.)

ZAKAS, Chairperson

Committee Vote: Yeas 7, Nays 0.



SENATE MOTION

Madam President: I move that Engrossed House Bill 1318 be amended to read as follows:

Page 2, between lines 28 and 29, begin a new paragraph and insert: "SECTION 4. IC 3-5-2-40.5, AS AMENDED BY P.L.118-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40.5. (a) Except as provided in subsection (b), "proof of identification" refers to a document that satisfies all the following:

- (1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.
- (2) The document shows a photograph of the individual to whom the document was issued.
- (3) The document includes an expiration date, and the document:
 - (A) is not expired; or
 - (B) expired after the date of the most recent general election.
- (4) The document was issued by the United States or the state of Indiana.

(b) Notwithstanding subsection (a)(3), a document issued by the United States Department of Defense, **the United States Department of Veterans Affairs (or its predecessor, the Veterans Administration)**, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:

- (1) otherwise complies with the requirements of subsection (a); and
- (2) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title."

Page 5, between lines 26 and 27, begin a new paragraph and insert: "SECTION 11. IC 3-7-48-2, AS AMENDED BY P.L.271-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A certificate of error issued under section 1 of this chapter:

- (1) may be issued at any time after:
 - (A) the production of the certified list under IC 3-7-29; or
 - (B) the downloading of the information into an electronic poll list **book** under IC 3-7-29-6(c);
- (2) shall be executed by the circuit court clerk, or in a county with a board of registration, by both members of the board; and
- (3) shall be numbered serially in the method prescribed for entry



in the computerized list maintained under IC 3-7-26.3."

Page 11, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 23. IC 3-10-1-7.1, AS AMENDED BY P.L.258-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) This subsection does not apply to a county in which electronic poll ~~lists~~ **books** are used under IC 3-7-29-6 or IC 3-11-18.1. Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll ~~lists~~ **books** are used under IC 3-7-29-6 or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged."

Page 15, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 27. IC 3-10-1-24, AS AMENDED BY P.L.271-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. The poll clerks shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

- (1) The voter's name.
- (2) Except as provided in subsection (d), the voter's current residence address.
- (3) The name of the voter's party.

(b) The poll clerks shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.



(d) The ~~electronic~~ poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list ~~book~~ is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll list: ~~book~~.

(e) If the voter makes:

(1) a written affirmation on the poll list (**or if an electronic poll book is used, a written affirmation in the manner described in IC 3-7-39-7**) that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7; the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter."

Page 17, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 30. IC 3-11-3-11, AS AMENDED BY P.L.271-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

(2) The ~~total~~ sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The ~~total~~ ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by



the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.

(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

(1) has adopted an order under ~~section 6 of this chapter;~~ **IC 3-7-29-6**; or

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

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll ~~list~~ **book** in each precinct or vote center."

Page 20, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 35. IC 3-11-8-10.3, AS AMENDED BY P.L.219-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.

(b) An electronic poll list must satisfy all of the following:

(1) An electronic poll list must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll list.

(2) An electronic poll list may not be connected to a voting system.

(3) An electronic poll list may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.



- (4) The information contained on an electronic poll list must be ~~encrypted~~ **secure** and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:
- (A) storing (in external or internal memory) a local version of the data base; and
 - (B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.
- (5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:
- (A) already cast a ballot at the election;
 - (B) returned an absentee ballot; or
 - (C) submitted any additional documentation required under IC 3-7-33-4.5.
- (6) After the voter has been provided with a ballot, the electronic poll list must permit a poll clerk to enter information indicating that the voter has voted at the election.
- (7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.
- (8) The electronic poll list must permit reports to be:
- (A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and
 - (B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.
- (9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll list must permit voter history to be quickly and accurately uploaded into the computerized list.
- (10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.
- (11) The electronic poll list must be used with a signature pad, tablet, or other signature capturing device that permits the voter



to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll list must include a bar code reader or tablet that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) The electronic poll list must be compatible with:

(A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll list.

(14) The electronic poll list must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(15) The procedures for setting up, using, and shutting down an electronic poll list must:

(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(16) The electronic poll list must enable a precinct election officer to verify that the electronic poll list:

(A) has been set up correctly;

(B) is working correctly so as to verify the eligibility of the voter;

(C) is correctly recording that a voter has voted; and

(D) has been shut down correctly.

(17) The electronic poll list must include the following documentation:

(A) Plainly worded, complete, and detailed instructions



sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.

(B) Training materials that:

- (i) may be in written or video form; and
- (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll list.

(D) Usability tests:

- (i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;
- (ii) that include the setting up, using, and shutting down of the electronic poll list; and
- (iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.

(E) A clear model of the electronic poll list system architecture and the following documentation:

- (i) End user documentation.
- (ii) System-level documentation.
- (iii) Developer documentation.

(F) Detailed information concerning:

- (i) electronic poll list consumables; and
- (ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.

(H) Repair and maintenance policies for the electronic poll list.

(I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by ~~IC 3-11-18.1-12(2)~~, **IC 3-11-18.1-12**, the following:

- (i) A list of customers who are using or have previously used the vendor's electronic poll list.
- (ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.

(18) The electronic poll list and any hardware attached to the poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.



(19) The electronic poll list must demonstrate that it correctly processes all activity regarding each voter registration record, ~~included on the list~~, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll list.

(20) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by ~~IC 3-11-18.1-12(2)~~.
IC 3-11-18.1-12.

(21) The electronic poll list must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter voted, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

(22) The electronic poll list must:

- (A) permit a voter to sign the poll list even when there is a temporary interruption in connectivity to the Internet; and
- (B) provide for the uploading of each signature and its assignment to the voter's registration record.

SECTION 36. IC 3-11-8-25.1, AS AMENDED BY P.L.219-2013, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. One (1) of each of the precinct election officers nominated by each county chairman of a major political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter to provide proof of identification. The voter shall produce the proof of identification to each precinct officer requesting the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the



proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5; a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

- (1) The voter's name.
- (2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll list. **book.** If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.



- (j) If, in a precinct governed by subsection (g):
- (1) the poll clerk does not execute a challenger's affidavit; or
 - (2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) The electronic poll list (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll ~~list~~ **book** and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll ~~list~~ **book**.

(l) If the voter indicates that the voter's current residence is located within another county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. The precinct election board shall provide the voter with a voter registration application for the voter to complete and file with the county voter registration office of the county where the voter's current residence address is located.

(m) If the voter indicates that the voter's current residence is located outside Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county.

SECTION 37. IC 3-11-8-26.1, AS AMENDED BY P.L.271-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.1. (a) If a voter:

- (1) cannot sign; or
- (2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list or enter the information into the electronic poll ~~list~~ **book**:

- (1) The voter's name.
- (2) Except as provided in subsection (e), the voter's current



residence address.

(c) The poll clerks shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

(e) The ~~electronic~~ poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll ~~list book~~ is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll ~~list book~~."

Page 24, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 40. IC 3-11-18.1-4, AS AMENDED BY P.L.258-2013, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The plan required by section 3 of this chapter must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center.
- (3) The effective date of the order.
- (4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:
 - (A) The total number of voters within the county.
 - (B) The number of active voters within the county.
 - (C) The number of inactive voters within the county.
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election



board will administer consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to **establish manage data in an electronic poll book through** a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to do all of the following:

(A) Prevent a disruption of the vote center process.

(B) Ensure that the election is properly conducted if a disruption occurs.

(C) Prevent access to an electronic poll ~~list~~ **book** without the coordinated action of two (2) precinct election officers who are not members of the same political party.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:



- (A) equipment; and
- (B) precinct election officers;

within the vote center.

(16) The total number and locations of satellite offices to be established under IC 3-11-10-26.3 at vote center locations designated under subdivision (2) to allow voters to cast absentee ballots in accordance with IC 3-11. However, a plan must provide for at least one (1) vote center to be established as a satellite office under IC 3-11-10-26.3 on the two (2) Saturdays immediately preceding an election day.

(17) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data shall be provided to all persons entitled to the data without unreasonable delay.

(18) That the county election board shall adopt a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of absentee ballots applicable to the county (if the board has not already done so).

SECTION 41. IC 3-11-18.1-12, AS AMENDED BY P.L.271-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding any other law, the electronic poll ~~list~~ **book** used at each vote center must:

- (1) comply with IC 3-11-8-10.3; and
- (2) be approved by the secretary of state in accordance with this section.

(b) A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state.

(c) The secretary of state shall refer the application to the person or entity conducting the voting system technical oversight program (VSTOP) established by IC 3-11-16-2.

(d) The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating:

- (1) whether the electronic poll book would operate in compliance with this title;
- (2) any recommendations regarding the acquisition or use of the electronic poll book; and
- (3) whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including any recommended restrictions that should be placed on the secretary



of state's approval.

(e) After the report required by subsection (d) is filed, the secretary of state may approve the application for certification permitting the electronic poll book to be used in an election in Indiana.

(f) A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation.

SECTION 42. IC 3-11.5-4-1, AS AMENDED BY P.L.271-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Each circuit court clerk shall do the following:

(1) Keep a separate absentee ballot record for each precinct in the county.

(2) This subdivision applies to a county in which the county voter registration office prepares a certified list of all voters registered to vote in each precinct in the county under IC 3-7-29-1. Certify to each inspector or the inspector's representative, at the time that the ballots and supplies are delivered under IC 3-11-3, the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

(3) This subdivision applies to a county that has adopted an order to use an electronic poll **list book** under IC 3-7-29-6 or is a voter center county under IC 3-11-18.1. Certify at the time the county voter registration office downloads information to an electronic poll **list book** under IC 3-7-29-6(c), the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

SECTION 43. IC 3-11.5-4-8, AS AMENDED BY P.L.271-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section does not apply to a county that:

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

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll **list book** used at a polling place or vote center is immediately updated to indicate the county received, not later than



noon on election day, an absentee ballot from a voter.

- (b) Each county election board shall certify the names of voters:
- (1) to whom absentee ballots were sent or who marked ballots in person; and
 - (2) whose ballots have been received by the board under this chapter;

after the certification under section 1 of this chapter and not later than noon on election day.

- (c) The county election board shall have:
- (1) the certificates described in subsection (b); and
 - (2) the circuit court clerk's certificates for voters who have registered and voted under IC 3-7-36-14;

delivered to the precinct election boards at their respective polls on election day by couriers appointed under section 22 of this chapter.

(d) The certificates shall be delivered not later than 3 p.m. on election day."

Page 25, line 1, strike "list" and insert "**book**".

Page 25, line 4, strike "list" and insert "**book**".

Page 25, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 45. IC 3-11.5-4-11, AS AMENDED BY P.L.258-2013, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (b), at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

(b) This subsection applies to a county that:

- (1) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or
- (2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll ~~lists~~ **books** used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct."



Page 26, between lines 14 and 15, begin a new paragraph and insert:
 "SECTION 47. IC 3-11.5-4-22, AS AMENDED BY P.L.271-2013,
 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 UPON PASSAGE]: Sec. 22. (a) Except as provided in subsection (b),
 each county election board shall appoint:

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two
 (2) political parties that have appointed members on the county
 election board.

(b) Notwithstanding subsection (a), a county election board:

- (1) may appoint, by a unanimous vote of the board's members,
 only one (1) absentee ballot courier if the person appointed is a
 voter of the county; and
- (2) shall not appoint teams of couriers, if the county:
 - (A) has adopted an order to use an electronic poll ~~list~~ **book**
 under IC 3-7-29-6; or
 - (B) is a vote center county under IC 3-11-18.1.

(c) An otherwise qualified person is eligible to serve on an absentee
 voter board or as an absentee ballot counter or a courier unless the
 person:

- (1) is unable to read, write, and speak the English language;
- (2) has any property bet or wagered on the result of the election;
- (3) is a candidate to be voted for at the election except as an
 unopposed candidate for precinct committeeman or state
 convention delegate; or
- (4) is the spouse, parent, father-in-law, mother-in-law, child,
 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
 of a candidate or declared write-in candidate to be voted for at the
 election except as an unopposed candidate. This subdivision
 disqualifies a person whose relationship to the candidate is the
 result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or
 who is related to a candidate in a manner that would result in
 disqualification under subsection (c) may, notwithstanding subsection
 (c), serve as a member of an absentee voter board if:

- (1) the candidate is seeking nomination or election to an office in
 an election district that does not consist of the entire county; and
- (2) the county election board restricts the duties of the person as
 an absentee voter board member to performing functions that



could have no influence on the casting or counting of absentee ballots within the election district.

SECTION 48. IC 3-11.5-4-24, AS AMENDED BY P.L.271-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) This section does not apply to a county that:

- (1) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or
- (2) is a vote center county under IC 3-11-18.1.

(b) In addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

- (1) mark the poll list; and
- (2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;

in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board according to the certificate supplied under section 1 of this chapter.

(c) The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

- (1) marked the poll list; and
- (2) attached the certificates described in subsection (b)(2);

under this section in the presence of both poll clerks.

(d) The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

SECTION 49. IC 3-11.5-5-3, AS AMENDED BY P.L.271-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

- (1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and
- (2) the absentee ballot counters or the county election board have made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct.

(b) This section applies to a county that:

- (1) has adopted an order to use an electronic poll ~~list~~ **book** under



IC 3-7-29-6; or

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

Immediately after the electronic poll ~~lists~~ **books** used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 50. IC 3-11.5-6-3, AS AMENDED BY P.L.271-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

(b) This subsection applies to a county that:

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

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

Immediately after the electronic poll ~~lists~~ **books** used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1318 as printed February 26, 2014.)

MILLER PETE



SENATE MOTION

Madam President: I move that Engrossed House Bill 1318 be amended to read as follows:

Page 20, between lines 21 and 22, begin a new paragraph and insert: "SECTION 31. IC 3-11-13-28, AS AMENDED BY HEA 1096-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) This section does not apply:

- (1) to a ballot card voted by absentee ballot; or
- (2) in a vote center county using an electronic poll book and a printer separate from the electronic poll book.**

(b) The two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:

- (1) at the time the card is issued to a voter; or
- (2) in the case of a ballot marked by a marking device for an optical scan ballot, before the ballot is placed into the tabulating device.

The initials must be in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.

(c) Except as provided in IC 3-12-1-12, a ballot card is not valid unless it is initialed by both poll clerks.

SECTION 32. IC 3-11-13-28.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.2. (a) This section:

- (1) does not apply to a ballot card voted by absentee ballot; and**
- (2) applies in a vote center county using an electronic poll book and a printer separate from the electronic poll book.**

(b) The printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log onto the electronic poll book system may be printed by a printer separate from the electronic poll book on the back of each ballot card immediately before the ballot card is delivered to the voter.

(c) Except as provided in IC 3-12-1-12, a ballot card is not valid unless immediately before the ballot card is delivered to the voter:

- (1) the ballot card is initialed by both poll clerks; and**
- (2) the initials of both poll clerks are printed on the back of the ballot in accordance with subsection (b)."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1318 as printed February 26, 2014.)

MILLER PETE



SENATE MOTION

Madam President: I move that Engrossed House Bill 1318 be amended to read as follows:

Page 2, between lines 28 and 29, begin a new paragraph and insert: "SECTION 4. IC 3-5-9-4, AS ADDED BY P.L. 135-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) ~~An individual who is serving as a volunteer firefighter for a volunteer fire department or a fire department that provides fire protection services to a unit:~~

- ~~(1) under a contract, excluding a mutual aid agreement; or~~
- ~~(2) as the unit's fire department;~~

~~may not assume or hold an elected office of a unit that receives fire protection services from the department in which the volunteer firefighter serves:~~

- ~~(b) An individual who~~
 - ~~(1) is an employee of a unit, serving as a full-time, paid firefighter or~~
 - ~~(2) serves as a volunteer firefighter;~~

~~in a department that provides fire protection services to more than one (1) unit, excluding fire protection services provided under mutual aid agreements, may not assume or hold an elected office of any unit that receives fire protection services from the department.~~

SECTION 5. IC 3-5-9-6, AS ADDED BY P.L. 135-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. This chapter does not prohibit:

- (1) a government employee from assuming or holding an elected office of a unit other than the unit that employs the government employee;
- (2) a full-time, paid firefighter ~~or volunteer firefighter~~ from assuming or holding an elected office of a unit other than a unit that receives fire protection services from the department in which the ~~volunteer~~ firefighter serves; or
- (3) an individual who assumes or holds an elected office from also being appointed to and serving on a board, commission, or committee of the unit.

SECTION 6. IC 3-5-9-7, AS ADDED BY P.L. 135-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Notwithstanding sections 4 and 5 of this chapter,

- ~~(1) a volunteer firefighter who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and~~



serve as a volunteer firefighter; and

(2) a government employee who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and be employed as a government employee;

until the term of the elected office that the volunteer firefighter or government employee is serving on January 1, 2013, expires.

(b) After the expiration of the term of the elected office that the volunteer firefighter referred to in subsection (a) is serving on January 1, 2013, the volunteer firefighter is subject to section 4 of this chapter with respect to serving as a volunteer firefighter and assuming or holding an elected office of the unit that receives fire protection services from the department in which the volunteer firefighter serves:

(c) (b) After the expiration of the term of the elected office that the government employee referred to in subsection (a) is serving on January 1, 2013, the government employee is subject to section 5 of this chapter with respect to assuming or holding an elected office and being employed by the unit that employs the government employee."

Page 27, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 45. IC 6-1.1-17-3, AS AMENDED BY P.L.137-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

The political subdivision or appropriate fiscal body shall also state the time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on these items. The political subdivision or appropriate fiscal body shall publish the notice twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. The first publication must be before September 14, and the second publication must be before September 21 of the year. The political subdivision shall pay for the publishing of the notice.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may



conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(d) This subsection applies only to a political subdivision that is a city, town, or township to which section 5.5 of this chapter applies. Not later than July 1, 2014, the department of local government finance shall prescribe the form of the statement to be included in the notice published by the political subdivision under this section. The statement must include the following information:

(1) That a member of the fiscal body of the political subdivision or a township executive, whichever is applicable, is also a volunteer firefighter for a:

- (A) fire department; or**
- (B) volunteer fire department;**

that provides fire protection services to the political subdivision.

(2) The following information about the person described in subdivision (1):

- (A) Name.**
- (B) Office held with the political subdivision.**
- (C) Name of the fire department or volunteer fire department for which the person serves as a volunteer firefighter.**

(3) That any taxpayer of the political subdivision may object to any provision of the budget, tax rate, or tax levy for fire protection and emergency services provided by the political subdivision solely by reason of the circumstance stated in subdivision (1).

(4) That the petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayer objects to because of the circumstance stated in subdivision (1).

(5) That the petition must be filed with the political subdivision, at the address and by the date specified, in order



to be valid.

(6) Sufficient instructions and information to permit a taxpayer to complete and file a petition.

SECTION 46. IC 6-1.1-17-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) As used in this section, "officer" refers to the following:**

(1) A member of the fiscal body of a political subdivision.

(2) The executive of a township.

(b) As used in this section, "political subdivision" refers to a city, town, or township.

(c) This section applies to a budget, tax rate, or tax levy of a political subdivision if both of the following conditions are met:

(1) The budget, tax rate, or tax levy is for fire protection and emergency services provided by the political subdivision.

(2) An officer of the political subdivision is a volunteer firefighter for a volunteer fire department or fire department that provides fire protection services (excluding fire protection services provided under a mutual aid agreement) to the political subdivision that the individual serves as an officer.

(d) A taxpayer may object to a budget, tax rate, or tax levy of a political subdivision by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing under section 3 of this chapter. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayer objects because of the circumstance described in subsection (c)(2). The notice of the hearing must be in the form prescribed by the department of local government finance under section 3(d) of this chapter.

(e) If a petition is filed under subsection (d), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(f) Each year, at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, the political subdivision shall file with the county auditor:

(1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;

(2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and

(3) two (2) copies of any findings adopted under subsection



(e).

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting under IC 6-1.1-29-4.

(g) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (f), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(h) In determining whether to affirm or modify a political subdivision's budget, tax rate, or tax levy for fire protection services under this section, the county board of tax adjustment or county auditor shall consider the following factors:

(1) The current and projected certified and noncertified public safety payroll needs of the political subdivision.

(2) The current and projected need for fire and emergency services within the jurisdiction served by the political subdivision.

(3) Any applicable national standards or recommendations for the provision of fire protection and emergency services.

(4) Current and projected growth in the number of residents and other citizens served by the political subdivision, emergency service runs, certified and noncertified personnel, and other appropriate measures of public safety needs in the jurisdiction served by the political subdivision.

(5) Salary comparisons for certified and noncertified public safety personnel in the political subdivision and other surrounding or comparable jurisdictions.

(6) Prior annual expenditures for fire and emergency services, including all amounts budgeted under this chapter.

(7) Current and projected growth in the assessed value of property requiring protection in the jurisdiction served by the political subdivision.

(8) Other factors directly related to the provision of fire protection services and emergency services within the jurisdiction served by the political subdivision.

SECTION 47. IC 6-1.1-17-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.5. (a) If a county board of tax adjustment or a county auditor affirms the budget, tax rate, or tax levy of a political subdivision that is subject to an objection



petition filed under section 5.5 of this chapter, a taxpayer may initiate an appeal from the county board of tax adjustment's or county auditor's affirmation of the political subdivision's budget, tax rate, or tax levy by filing a statement of the taxpayer's objections with the county auditor. The statement must be filed not later than ten (10) days after the publication of the notice required by section 12 of this chapter. The statement shall specifically identify the provisions of the budget, tax rate, or tax levy to which the taxpayer objects. The county auditor shall forward the statement, with the budget, to the department of local government finance.

(b) The department of local government finance shall:

- (1) subject to subsection (c), give notice to the taxpayer of the date, time, and location of the hearing on the objection statement filed under subsection (a);
- (2) conduct a hearing on the objection; and
- (3) after the hearing:
 - (A) consider the testimony and evidence submitted at the hearing; and
 - (B) mail the department's:
 - (i) written determination; and
 - (ii) written statement of findings;
 to the taxpayer.

The department of local government finance may hold the hearing in conjunction with the hearing required under section 16 of this chapter.

(c) The department of local government finance shall provide written notice to the taxpayer at least five (5) days before the date of the hearing.

(d) In determining whether to affirm or modify a political subdivision's budget, tax rate, or tax levy for fire protection services under this section, the department of local government finance shall consider the following factors:

- (1) The current and projected certified and noncertified public safety payroll needs of the political subdivision.
- (2) The current and projected need for fire and emergency services within the jurisdiction served by the political subdivision.
- (3) Any applicable national standards or recommendations for the provision of fire protection and emergency services.
- (4) Current and projected growth in the number of residents and other citizens served by the political subdivision,



emergency service runs, certified and noncertified personnel, and other appropriate measures of public safety needs in the jurisdiction served by the political subdivision.

(5) Salary comparisons for certified and noncertified public safety personnel in the political subdivision and other surrounding or comparable jurisdictions.

(6) Prior annual expenditures for fire and emergency services, including all amounts budgeted under this chapter.

(7) Current and projected growth in the assessed value of property requiring protection in the jurisdiction served by the political subdivision.

(8) Other factors directly related to the provision of fire protection services and emergency services within the jurisdiction served by the political subdivision.

(e) The following may petition for judicial review of the final determination of the department of local government finance under subsection (d):

(1) The political subdivision.

(2) The taxpayer who signed the statement filed to initiate the appeal under subsection (a)."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1318 as printed February 26, 2014.)

HEAD

