

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1335

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AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-4-7, AS AMENDED BY P.L.128-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect ~~September 1, 2014~~. **January 1, 2023.**

SECTION 2. IC 3-6-4.2-14, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards, the boards of registration (subject to IC 3-7-12), and the boards of elections and registration (as defined in IC 3-5-2-5.3) to instruct them regarding all of the following:

- (1) Their duties under this title and federal law (including HAVA and NVRA).
- (2) Requirements and best practices concerning cybersecurity for the computerized list, voting systems, and electronic poll books.
- (3) Physical security for all aspects of the election process, including voting systems, electronic poll books, absentee voting, and polling places.
- (4) Requirements and best practices to ensure that voting systems,

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precinct polling places, and vote centers are accessible to voters with disabilities.

(5) Best practices in answering voters' questions on how to vote, including providing instructions to voters on straight ticket voting.

(b) The election division may call a meeting under this section:

(1) during a year in which a general or a municipal election is not held; and

(2) at other times when the election division determines that doing so is necessary or desirable.

(c) Each circuit court clerk, each member of a board of registration established under IC 3-7-12, and each director, assistant director, or co-director of a board of elections and registration shall attend a meeting called by the election division under this section. A member of a county election board may attend a meeting called by the election division under this section. A circuit court clerk, member of a board of registration, or member of a board of elections and registration may require the attendance of the following:

(1) Each of the circuit court clerk's, board of registration member's, or board of elections and registration member's appointed and acting chief deputies or chief assistants with election related responsibilities.

(2) If the number of deputies or assistants:

(A) is not more than three (3), one (1) of the clerk's or member's appointed and acting deputies or assistants; or

(B) is greater than three (3), two (2) of the clerk's or member's appointed and acting deputies or assistants.

(d) The election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

(1) may conduct the meeting before the first day of the year; and

(2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than three (3) days.

~~(e) This subsection applies to a meeting under subsection (c) conducted before January 1, 2022. Each individual required to attend the meeting under subsection (c) and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following from the county general fund without appropriation:~~

~~(1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.~~

~~(2) A mileage allowance at the state rate for the distance~~

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necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section:

(3) Reimbursement for the payment of the instructional meeting registration fee:

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status:

Payment of a per diem, mileage allowance, reimbursement, or lodging allowance under this section for a meeting conducted before January 1, 2022, is legalized and validated:

~~(f) This subsection applies to a meeting under subsection (e) conducted on or after January 1, 2022.~~ (e) Each individual who attends the meeting under subsection (c) and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following from the county general fund without appropriation:

(1) A sum for mileage at a rate determined by the fiscal body of the unit the official represents for each mile necessarily traveled in going to and returning from the meeting by the most expeditious route. Regardless of the duration of the conference, only one (1) mileage reimbursement shall be allowed to the official furnishing the conveyance even if the official transports more than one (1) person.

(2) An allowance for lodging for each night preceding conference attendance in an amount equal to the single room rate. However, lodging expense, in the case of a one (1) day conference, shall only be allowed for persons who reside fifty (50) miles or farther from the conference location.

(3) Reimbursement of an official, a deputy, or an assistant in an amount determined by the fiscal body of the unit the official, deputy, or assistant represents, for meals purchased while attending a conference called under this section.

~~(g) This subsection applies to a meeting conducted on or after January 1, 2022.~~ (f) The election division shall certify the number of days of attendance and the mileage for each conference to each official, deputy, or assistant attending any conference under this section.

~~(h) This subsection applies to a meeting conducted on or after January 1, 2022.~~ (g) All payments of mileage and lodging shall be made by the proper disbursing officer in the manner provided by law on a duly verified claim or voucher to which shall be attached the certificate of the election division showing the number of days attended



and the number of miles traveled. All payments shall be made from the county general fund from any money not otherwise appropriated and without any previous appropriation being made therefore.

~~(i) This subsection applies to a meeting conducted on or after January 1, 2022:~~ (h) A claim for reimbursement under this section may not be denied by the body responsible for the approval of claims if the claim complies with IC 5-11-10-1.6 and this section.

SECTION 3. IC 3-9-2-12, AS AMENDED BY P.L.133-2021, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) This section does not apply to:

- (1) a member of the general assembly; or
- (2) a candidate's committee of a member of the general assembly;

with respect to an office other than a legislative office or a state office to which the member seeks election.

(b) As used in this section, "affected person" refers to any of the following:

- (1) An individual who holds a legislative office.
- (2) A candidate for a legislative office.
- (3) An individual who holds a state office.
- (4) A candidate for a state office.

(c) As used in this section, "prohibited period" means the period:

- (1) beginning on the day in January in each odd-numbered year the general assembly reconvenes under IC 2-2.1-1-2; and

(2) through either of the following:

~~(A) April 29 in calendar year 2021.~~

~~(B) the day the general assembly adjourns sine die under IC 2-2.1-1-2 in an odd-numbered year, beginning after December 31, 2022.~~

(d) During the prohibited period, an affected person, an affected person's candidate's committee, and a legislative caucus committee may not do any of the following:

- (1) Solicit campaign contributions.
- (2) Accept campaign contributions.
- (3) Conduct other fundraising activities. This subdivision does not prohibit an affected person from participating in party activities conducted by a regular party committee.

SECTION 4. IC 3-10-1-4.5, AS AMENDED BY P.L.278-2019, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.5. (a) Except as provided in section 4.6 of this chapter, precinct committeemen shall be elected on the first Tuesday after the first Monday in May ~~2022~~ **2026, 2030, 2034, 2038, 2042**, and every four (4) years thereafter.

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(b) The rules of a political party may specify whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 5. IC 3-10-1-4.6, AS AMENDED BY P.L.193-2021, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.6. (a) This section applies to precinct committeemen elected by the Indiana Republican Party.

(b) Precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2024, **2028, 2032, 2036, 2040, 2044**, and every four (4) years thereafter.

(c) The rules of the Indiana Republican Party may specify whether a precinct committeeman elected under subsection (b) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 6. IC 3-10-2-3, AS AMENDED BY P.L.193-2021, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. Presidential electors and alternate presidential electors shall be elected in 2024, **2028, 2032, 2036, 2040, 2044**, and every four (4) years thereafter at a general election held in accordance with 3 U.S.C. 1.

SECTION 7. IC 3-10-2-4, AS AMENDED BY P.L.278-2019, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. United States Senators shall be elected at a general election held in accordance with 2 U.S.C. 1 and as follows:

- (1) One (1) in ~~2022~~ **2028, 2034, 2040, 2046, 2052**, and every six (6) years thereafter.
- (2) One (1) in 2024, **2030, 2036, 2042, 2048, 2054**, and every six (6) years thereafter.

SECTION 8. IC 3-10-2-6, AS AMENDED BY P.L.193-2021, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. The following public officials shall be elected in 2024, **2028, 2032, 2036, 2040, 2044**, and every four (4) years thereafter:

- (1) Governor.
- (2) Lieutenant governor.
- (3) Attorney general.

SECTION 9. IC 3-10-2-7, AS AMENDED BY P.L.278-2019, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. The following public officials shall be elected in ~~2022~~ **2026, 2030, 2034, 2038, 2042**, and every four (4) years



thereafter:

- (1) Secretary of state.
- (2) Auditor of state.
- (3) Treasurer of state.

SECTION 10. IC 3-10-2-12, AS AMENDED BY P.L.278-2019, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. A prosecuting attorney shall be elected in each judicial circuit in ~~2022~~ **2026, 2030, 2034, 2038, 2042**, and every four (4) years thereafter in accordance with Article 7, Section 16 of the Constitution of the State of Indiana.

SECTION 11. IC 3-10-4-6.5, AS ADDED BY P.L.201-2017, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6.5. **(a)** In submitting Indiana's certificate of ascertainment as required by 3 U.S.C. 6, the governor shall certify Indiana's presidential electors and state in the certificate the following:

- (1) That the presidential electors will serve as presidential electors unless a vacancy occurs in the office of presidential elector before the end of the meeting at which votes are cast, in which case an alternate presidential elector will fill the vacancy as a presidential elector.
- (2) If an alternate presidential elector is appointed to fill a vacancy, the governor will submit an amended certificate of ascertainment stating the names on the final list of Indiana's presidential electors.

**(b) The certificate must:**

- (1) bear the seal of the state of Indiana; and**
- (2) contain at least one (1) security feature, as determined by the secretary of state, for purposes of verifying the authenticity of the certificate.**

**(c) A security feature determined under subsection (b) is confidential.**

SECTION 12. IC 3-10-4-7, AS AMENDED BY P.L.201-2017, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) The presidential electors and alternate presidential electors who are elected at a general election shall assemble in the chamber of the Indiana house of representatives on the first ~~Monday~~ **Tuesday** after the second Wednesday in December as provided by 3 U.S.C. 7, or on another day fixed by the Congress of the United States, at 10 a.m. to elect the President and Vice President of the United States.

(b) The secretary of state, or an individual designated by the secretary, shall preside at this meeting. The election division shall

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assist the secretary in conducting the election and in certifying and transmitting the results in accordance with federal law.

(c) As provided by 3 U.S.C. 6, the governor shall deliver to the presidential electors present six (6) duplicate originals of the certificate of ascertainment of appointment of the presidential electors mailed to the Archivist of the United States.

SECTION 13. IC 3-10-6-2, AS AMENDED BY P.L.193-2021, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) Except as otherwise provided in this chapter, a municipal primary election shall be held on the first Tuesday after the first Monday in May 2023, **2027, 2031, 2035, 2039, 2043**, and every four (4) years thereafter.

(b) Each political party whose nominee received at least ten percent (10%) of the votes cast in the state for secretary of state at the last election shall nominate all candidates to be voted for at the municipal election to be held in November.

SECTION 14. IC 3-10-6-3, AS AMENDED BY P.L.193-2021, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter each political party shall, at the primary election in:

(1) May ~~2022~~ **2026, 2030, 2034, 2038, 2042**, and every four (4) years thereafter; and

(2) May 2023, **2027, 2031, 2035, 2039, 2043**, and every four (4) years thereafter;

nominate candidates for the election to be held under section 6(a) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be conducted under this chapter.

(b) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under section 2.6 of this chapter each political party shall, at the primary election in:

(1) May 2024, **2028, 2032, 2036, 2040, 2044**, and every four (4) years thereafter; and

(2) May ~~2022~~ **2026, 2030, 2034, 2038, 2042**, and every four (4) years thereafter;

nominate candidates for the election to be held under section 6(b) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be conducted under this chapter.

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(c) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under section 2.6 of this chapter each political party shall, at the primary election in May 2024, **2028, 2032, 2036, 2040, 2044**, and every four (4) years thereafter, nominate candidates for the election to be held under section 6(c) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be held under this chapter.

SECTION 15. IC 3-10-6-5, AS AMENDED BY P.L.193-2021, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. Except as otherwise provided in this chapter, a municipal election shall be held on the first Tuesday after the first Monday in November 2023, **2027, 2031, 2035, 2039, 2043**, and every four (4) years thereafter. At the election, public officials shall be elected to each municipal office.

SECTION 16. IC 3-10-6-6, AS AMENDED BY P.L.193-2021, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter shall:

- (1) at the general election in November 2022, **2026, 2030, 2034, 2038, 2042**, and every four (4) years thereafter; and
- (2) at the municipal election in November 2023, **2027, 2031, 2035, 2039, 2043**, and every four (4) years thereafter;

elect town council members for terms of four (4) years to those offices whose terms expire at noon January 1 following the election, as provided in IC 36-5-2-3. The election shall be conducted under this chapter.

(b) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall:

- (1) at the general election in November 2024, **2028, 2032, 2036, 2040, 2044**, and every four (4) years thereafter; and
- (2) at the general election in November 2022, **2026, 2030, 2034, 2038, 2042**, and every four (4) years thereafter;

elect town council members for terms of four (4) years to those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

(c) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall, at the general election in November 2024, **2028, 2032, 2036, 2040, 2044**, and every four (4) years thereafter, elect a town clerk-treasurer and town court judge (if a town court has been established under IC 33-35-1-1) to





those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

SECTION 17. IC 3-11-18.1-5, AS AMENDED BY P.L.193-2021, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) Except as provided in subsections (b) and (c), a plan must provide a vote center for use by voters residing within the county for use in a primary election, general election, special election, municipal primary, or municipal election conducted on or after the effective date of the county election board's order.

(b) A plan may provide that a vote center will not be used in a municipal election conducted in 2023, **2027, 2031, 2035, 2039, 2043**, and every four (4) years thereafter for some or all of the towns:

- (1) located within the county; and
- (2) having a population of less than three thousand five hundred (3,500).

(c) This section does not apply in a town that has established a town election board under IC 3-10-7-5.7 while the resolution established under IC 3-10-7-5.7 is in effect.

SECTION 18. IC 20-23-12-9, AS AMENDED BY P.L.193-2021, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. The members are elected as follows:

- (1) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in ~~2020~~ **2024, 2028, 2032, 2036, 2040, 2044**, and every four (4) years thereafter.
- (2) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in ~~2022~~ **2026, 2030, 2034, 2038, 2042**, and every four (4) years thereafter.
- (3) The at-large member elected under section 3(c) of this chapter is elected at the general election to be held in 2024, **2028, 2032, 2036, 2040, 2044**, and every four (4) years thereafter.

SECTION 19. IC 20-23-17-3, AS AMENDED BY P.L.219-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The governing body of the school corporation consists of five (5) members chosen as follows:

- (1) Three (3) members shall be elected by the voters of the school corporation at a general election to be held in the county ~~and every four (4) years thereafter.~~ **as follows:**

**(A) Two (2) members of the governing body shall:**

- (i) be elected at the general election in 2024, 2028, 2032, 2036, 2040, 2044, and every four (4) years thereafter;**



**and**

**(ii) take office as provided in section 4 of this chapter.**

**(B) One (1) member of the governing body shall:**

**(i) be elected at the general election in 2026, 2030, 2034, 2038, 2042, and every four (4) years thereafter; and**

**(ii) take office as provided in section 4 of this chapter.**

(2) One (1) member shall:

**(A) be appointed by the city executive in 2026, 2030, 2034, 2038, 2042, and every four (4) years thereafter; and**

**(B) take office as provided in section 4 of this chapter.**

(3) One (1) member shall:

**(A) be appointed by the city legislative body in 2025, 2029, 2033, 2037, 2041, and every four (4) years thereafter; and**

**(B) take office as provided in section 4 of this chapter.**

(b) The members elected under subsection (a)(1) shall be elected as follows:

(1) On a nonpartisan basis.

(2) In a general election held in the county.

(3) By the registered voters of the entire school corporation.

(c) The following apply to an election of members of the governing body of the school corporation under subsection (a)(1):

(1) Each candidate must file a petition of nomination with the circuit court clerk not earlier than one hundred four (104) days and not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate seeking election.

SECTION 20. IC 20-23-17-8 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 8: (a) This subsection applies to a member of the governing body elected at the 2016 general election. The successors of a member elected at the 2016 general election shall:

(1) be elected at the 2024 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

(2) take office as provided in section 4 of this chapter.

(b) This subsection applies to the appointed member of the governing body whose term expires December 31, 2017. The successors of this member shall be appointed by the city legislative body as provided in section 3(a)(3) of this chapter and take office as



provided in section 4 of this chapter.

(c) This subsection applies to the member of the governing body elected at the 2014 general election. The successors of a member elected at the 2014 general election shall:

- (1) be elected at the 2022 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and
- (2) take office as provided in section 4 of this chapter.

(d) This subsection applies to the appointed member of the governing body whose term expires December 31, 2018. The successors of this member shall be appointed by the city executive as provided in section 3(a)(2) of this chapter and take office as provided in section 4 of this chapter.

SECTION 21. IC 20-23-17.2-3.1, AS AMENDED BY P.L.193-2021, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.1. (a) The governing body of the school corporation consists of five (5) members, elected as provided in this chapter.

(b) Three (3) members shall be elected as follows:

- (1) From districts established as provided in section 4.1 of this chapter.
- (2) On a nonpartisan basis.
- (3) At the general election held in the county in ~~2022~~ **2026, 2030, 2034, 2038, 2042**, and every four (4) years thereafter.

(c) Two (2) members shall be elected as follows:

- (1) At large by all the voters of the school corporation.
- (2) On a nonpartisan basis.
- (3) At the general election held in the county in 2024, **2028, 2032, 2036, 2040, 2044**, and every four (4) years thereafter.

(d) The term of office of a member of the governing body:

- (1) is four (4) years; and
- (2) begins January 1 after the election of members of the governing body.

(e) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 22. IC 33-35-1-1, AS AMENDED BY P.L.193-2021, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) During ~~2022~~ **2026, 2030, 2034, 2038, 2042**, and every fourth year after that, a second or third class city or a town may by ordinance establish or abolish a city or town court. An ordinance to establish a city or town court must be adopted not less than one (1) year before the judge's term would begin

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under section 3 of this chapter.

(b) The judge for a court established under subsection (a) shall be elected under IC 3-10-6 or IC 3-10-7 at the municipal election in November 2023, **2027, 2031, 2035, 2039, 2043**, and every four (4) years thereafter.

(c) A court established under subsection (a) comes into existence on January 1 of the year following the year in which a judge is elected to serve in that court.

(d) A city or town court in existence on January 1, 1986, may continue in operation until it is abolished by ordinance.

(e) A city or town that establishes or abolishes a court under this section shall give notice of its action to the following:

- (1) The office of judicial administration under IC 33-24-6.
- (2) The secretary of state.
- (3) The circuit court clerk of the county in which the greatest population of the city or town resides.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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