

HOUSE BILL No. 1336

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10-1-33; IC 3-11; IC 3-11.5-4; IC 3-12; IC 3-13; IC 3-14-5-2; IC 5-4-1-4; IC 5-8-6-3; IC 20-46; IC 29-1-8-12; IC 36-2-3-4; IC 36-6-6-2.3.

Synopsis: Various election law matters. Provides that electronic signatures may be used for the reporting of campaign contributions and expenditures. Requires the election division to declare a form obsolete if the form is incorporated into the statewide voter registration system. Provides that an individual is considered to have resigned as an elected official of a unit when the person becomes an employee of the unit the individual serves as an elected official. Provides that the secretary of state may provide registration information, upon written request, to a law enforcement official conducting an investigation. Repeals the law concerning the affidavit eligibility of a precinct election officer. Requires the bureau of motor vehicles commission to forward the voter registration part of an application and any declination to register to the election division for transmittal to the appropriate county voter registration office. Provides that the statewide voter registration system must contain a feature that identifies potential nonresidential addresses submitted on voter registration applications. Provides that a notice to an absentee voter to supply additional residence documentation does not need approval by forms management. Revises the procedure concerning the cancellation of duplicate voter registrations. Provides that, for purposes of determining whether a candidate is affiliated with a particular major political party, the candidate must have voted in that party's two most recent primary elections. (Under current law, a
(Continued next page)

Effective: July 1, 2023.

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January 17, 2023, read first time and referred to Committee on Elections and Apportionment.



candidate is required to have voted in the political party's most recent primary election.) Provides that if an election district is included entirely within one precinct, and does not include the entire precinct, the petition of nomination must be signed by at least five voters of the election district. Makes changes to the procedure for filing a political party device with the election commission. Provides that an officeholder is not entitled to salary until a statement of economic interest is filed, if required. Requires a campaign finance report or statement to be filed electronically. Clarifies that the permitted methods for filing a campaign finance report with a county election board would apply to candidates for local office and their candidate's committees, regular party committees, and political action committees that are not required to file with the election division. Provides for a civil penalty for failure to file a campaign finance report or statement electronically. Provides that the statute requiring reporting of "large" campaign contributions does not require the reporting of a contribution unless it is accepted by the candidate's candidate committee. Eliminates the requirement that counties send duplicate copies of state election returns to the election division. Provides that a county executive is not required to establish precincts so that a precinct contains not more than 2,000 active voters or 2,300 active voters if the precinct is in a county designated as a vote center county. Provides that in addition to precinct boundaries, the name of a precinct as included in the federal decennial census data becomes the official name of the precinct. Provides that all absentee ballots must be printed on security paper that incorporates features that can be used to authenticate the ballot. Provides that a voter must file residence documentation before 6 p.m. on election day. Provides that a county election board may send a signed form from a public test to the election division by electronic mail. Provides that an application fee for certification of a voting system is waived if the application is for a de minimis change. Provides that a county election board may scan a voted absentee ballot card using an optical scan ballot scanner not earlier than seven calendar days before election day if the optical scan ballot system permits the retraction of a previously scanned absentee ballot card. Revises the procedure concerning the updating of electronic poll books and the counting of absentee ballots. Requires a county election board to notify the absentee ballot counters of the receipt of the absentee ballots for consideration. Revises the procedure concerning when an absentee ballot mismatch has occurred. Provides that if there is a discrepancy between political party primary ballot choice between the federal write-in absentee ballot and the federal post card application, the federal post card application will supersede. Provides that a post-election audit must be completed not later than: (1) the final Friday in June following a primary election; or (2) December 20 following a general election. Exempts a member of a fiscal or legislative body from assuming certain duties during a vacancy. Requires a magistrate to deposit a copy of the magistrate's oath in the office of the circuit court clerk of the county in which the magistrate resides or serves. Requires the certification of a question on a referendum to occur not later than noon 74 days before a special election. Provides that a personal representative of a decedent who was a treasurer or candidate for office may disband the committee associated with the decedent's office or campaign. Makes technical corrections.



Introduced

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 BILL No. 1336

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 3-5-4-1.7, AS AMENDED BY P.L.257-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 1.7. (a) Except as otherwise expressly authorized
4 or required under this title, a filing by a person with a commission, the
5 election division, an election board, or a county voter registration office
6 may not be made by fax or electronic mail, **including a signature**
7 **described in IC 26-2-8-106.**
8 (b) A petition of nomination filed with a county voter registration
9 office under IC 3-8-2, IC 3-8-2.5, IC 3-8-3, or IC 3-8-6 or a petition to
10 place a public question on the ballot, or any other petition filed that
11 requires the county voter registration office to certify the validity of
12 signatures, may not contain the electronic signature, **including a**
13 **signature described in IC 26-2-8-106**, digital signature, digitized
14 signature, or photocopied signature of a voter.
15 (c) **An electronic signature, digital signature, digitized signature,**



1 or photocopied signature of a candidate, campaign finance
 2 committee chairman, or campaign finance committee treasurer
 3 may be used for campaign finance statements and reports filed
 4 under IC 3-9.

5 SECTION 2. IC 3-5-4-8, AS AMENDED BY P.L.169-2015,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2023]: Sec. 8. (a) This section does not apply to a form
 8 incorporated into the statewide voter registration system under
 9 IC 3-7-26.3-3 by the secretary of state, with the consent of the
 10 co-directors of the election division.

11 ~~(a)~~ (b) Except as provided in subsection ~~(e)~~; (f), but notwithstanding
 12 any other statute, whenever the election division acts under
 13 IC 3-6-4.2-12 to approve a uniform election or registration form for use
 14 throughout Indiana or to approve a revision to an existing form, a
 15 person must use the most recent version of the form approved by the
 16 election division to comply with this title after the effective date of the
 17 election division's order approving the form.

18 ~~(b)~~ (c) Except as provided in subsection ~~(d)~~ (e) or ~~(f)~~; (g), before an
 19 order approving a form takes effect under this section, the election
 20 division shall transmit a copy of each form or revised form approved
 21 by the order to the following:

- 22 (1) Each circuit court clerk, if the election division determines
 23 that the form is primarily used by a candidate, a county election
 24 board member, a county or town political party, or for absentee or
 25 provisional ballot purposes.
- 26 (2) Each county voter registration office, if the election division
 27 determines that the form is primarily used in voter registration.
- 28 (3) The state chairman of each major political party.
- 29 (4) The state chairman of any other political party who has filed
 30 a written request with the election division during the preceding
 31 twelve (12) months to be furnished with copies of forms.

32 ~~(e)~~ (d) The election division, an election board, a circuit court clerk,
 33 a county voter registration office, or any other official responsible for
 34 receiving a filing under this title shall reject a filing that does not
 35 comply with this section.

36 ~~(d)~~ (e) The election division shall specify the effective date of the
 37 form or revised form and may do any of the following:

- 38 (1) Delay the effective date of the approval of a form or revised
 39 form.
- 40 (2) Permit an earlier approved version of the form or an
 41 alternative form to be used before the effective date of the form.
- 42 (3) Provide for a retroactive effective date for the approval of the



- 1 form.
- 2 ~~(e)~~ **(f)** The election division may allow an earlier approved version
 3 of the form to be used if the:
- 4 (1) earlier version of the form complies with all other
 5 requirements imposed under federal law or this title; and
- 6 (2) election division determines that the existing stock of the form
 7 should be exhausted to prevent waste and unnecessary expense.
- 8 ~~(f)~~ **(g)** This subsection applies to a form that the election division
 9 determines is used primarily by the election division. The election
 10 division may provide that an order concerning a form described by this
 11 subsection is effective immediately upon adoption, without any
 12 requirement to distribute the form to other persons.
- 13 ~~(g)~~ **(h)** A form approved by the commission under this section
 14 before July 1, 2015, is considered to be approved by the election
 15 division without any further action by the election division being
 16 required.
- 17 **(i) A form previously approved under this section that is**
 18 **incorporated into the statewide voter registration system is**
 19 **obsolete in the format prescribed by the forms order previously**
 20 **issued by the election division.**
- 21 SECTION 3. IC 3-5-9-5, AS ADDED BY P.L.135-2012, SECTION
 22 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 23 2023]: Sec. 5. Except as provided in section 7 of this chapter, an
 24 individual is considered to have resigned as:
- 25 (1) a government employee when the individual assumes an
 26 elected office of the unit that employs the individual; **or**
- 27 (2) **an elected official of the unit when the person becomes a**
 28 **government employee of the unit.**
- 29 SECTION 4. IC 3-6-3.7-7 IS ADDED TO THE INDIANA CODE
 30 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 31 **1, 2023]: Sec. 7. The secretary of state may provide the registration**
 32 **information described in IC 3-7-26.4-8, including an individual's**
 33 **voting history, upon written request, to a law enforcement official**
 34 **conducting an investigation.**
- 35 SECTION 5. IC 3-6-6-12 IS REPEALED [EFFECTIVE JULY 1,
 36 2023]. Sec. 12: (a) A county election board shall remove a precinct
 37 election officer and declare the office vacant if:
- 38 (1) at any time before or during an election the county election
 39 board is notified by the affidavit of two (2) or more voters of the
 40 precinct that the officer is not qualified; and
- 41 (2) the board determines that the statements made in the affidavit
 42 concerning the disqualification of the precinct election officer are



1 true:

2 (b) If the disqualified officer has taken the oath of office required by
3 this chapter, the circuit court clerk shall attach the oath to the poll list
4 and shall place the affidavit and oath before the next grand jury of the
5 county:

6 SECTION 6. IC 3-7-14-12, AS AMENDED BY P.L.128-2015,
7 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2023]: Sec. 12. (a) An applicant who completes a voter
9 registration application under section 4 of this chapter is not required
10 to submit the application to a county voter registration office.

11 (b) The bureau of motor vehicles commission shall forward the
12 voter registration part of the application **and any declination to**
13 **register under this section** to the election division for transmittal to
14 the appropriate county voter registration office on an expedited basis
15 in accordance with IC 3-7-26.3, IC 9-24-2.5, and 52 U.S.C.
16 20504(c)(2)(E).

17 SECTION 7. IC 3-7-33-4.5, AS AMENDED BY P.L.128-2015,
18 SECTION 114, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2023]: Sec. 4.5. (a) Except as provided in
20 subsection (b), this section applies to an individual who:

21 (1) submits an application to register to vote by mail under
22 IC 3-7-22; and

23 (2) has not previously voted in:

24 (A) a general election in Indiana (or a special election for
25 federal office in Indiana); or

26 (B) a general election (or a special election for federal office)
27 in the county where the individual has submitted an
28 application under this chapter if the application was received
29 by the county voter registration office after December 31,
30 2002, and before January 1, 2006.

31 (b) This section does not apply to an individual who complies with
32 the requirements in any of the following:

33 (1) The individual submits an application to register to vote by
34 mail under this chapter and includes with that mailing a copy of:

35 (A) a current and valid photo identification; or

36 (B) a current utility bill, bank statement, government check,
37 paycheck, or government document;

38 that shows the name and residence address of the voter stated on
39 the voter registration application.

40 (2) The individual submits an application to register to vote by
41 mail under this chapter that includes:

42 (A) the individual's Indiana driver's license number; or



- 1 (B) the last four (4) digits of the individual's Social Security
 2 number;
 3 and the county voter registration office or election division
 4 matches the information submitted by the applicant with an
 5 existing Indiana identification record bearing the same number,
 6 name, and date of birth set forth in the voter registration
 7 application.
 8 (3) The individual is an absent uniformed services voter or
 9 overseas voter.
 10 (4) The individual is entitled to vote other than in person under
 11 the federal Voting Accessibility for the Elderly and Handicapped
 12 Act (52 U.S.C. 20102(b)(2)(B)(ii)) due to a determination by the
 13 election division that a permanent or temporarily accessible
 14 polling place cannot be provided for the individual.
 15 (5) The individual is entitled to vote other than in person under
 16 any other federal law.
 17 (c) When a county voter registration office receives a voter
 18 registration application by mail, the office shall determine whether the
 19 applicant is subject to the requirements to provide additional
 20 documentation under this section and 52 U.S.C. 21083.
 21 (d) As required by 52 U.S.C. 21083, a county voter registration
 22 office shall administer the requirements of this section in a uniform and
 23 nondiscriminatory manner.
 24 (e) If the county voter registration office determines that the
 25 applicant:
 26 (1) is not required to submit additional documentation under this
 27 section; or
 28 (2) has provided the documentation required under this section;
 29 the county voter registration office shall process the application in
 30 accordance with section 5 of this chapter.
 31 (f) If the county voter registration office determines that the
 32 applicant is required to submit additional documentation under this
 33 section and 52 U.S.C. 21083, the office shall process the application
 34 under section 5 of this chapter and, if the applicant is otherwise eligible
 35 to vote, add the information concerning this documentation to the
 36 voter's computerized registration entry under IC 3-7-27-20.2. **A notice**
 37 **to an absentee voter to supply additional residence documentation**
 38 **does not need approval by forms management.**
 39 (g) The county voter registration office shall remove the notation
 40 described in subsection (f) after the voter votes in an election for a
 41 federal office.
 42 SECTION 8. IC 3-7-33-5.7 IS ADDED TO THE INDIANA CODE



1 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 2 1, 2023]: **Sec. 5.7. Subject to IC 3-7-38.2-18, the statewide voter**
 3 **registration system must contain a feature that identifies potential**
 4 **nonresidential addresses submitted on voter registration**
 5 **applications.**

6 SECTION 9. IC 3-7-38.2-5.5, AS AMENDED BY P.L.193-2021,
 7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2023]: Sec. 5.5. (a) The Indiana data enhancement association
 9 (IDEA) is established. IDEA shall be administered by the NVRA
 10 official in accordance with IC 3-7-11-1.

11 (b) The NVRA official shall adopt an order for the administration
 12 of voter list maintenance programs to be performed by IDEA. The
 13 NVRA official may amend the order. If the NVRA official does not
 14 amend the order when necessary to perform voter list maintenance
 15 duties under this chapter, the secretary of state shall adopt or amend the
 16 order under section 18 of this chapter. The order establishing IDEA,
 17 and any amendments to the order subsequently issued, shall provide the
 18 following:

19 (1) The member states of IDEA are not required to pay to Indiana
 20 any fee for the processing of the data from the member state.

21 (2) The member states of IDEA are not required to engage in any
 22 activity other than actions necessary to comply with standards for
 23 voter list maintenance set forth in the order as a condition for
 24 obtaining data from Indiana or other member states.

25 (3) The method for a state to join or withdraw from IDEA.

26 (4) The tenure of the membership of each state and duration of the
 27 order.

28 (5) Indiana shall:

29 (A) use the confidence factors set forth in subsection (c) to
 30 determine whether the name of an individual registered in that
 31 member state appears to be the same as an individual
 32 registered to vote in Indiana or any other member state; and

33 (B) only forward potential matches of the names of individuals
 34 in a state who meet or exceed the confidence factor threshold
 35 under subsection (c).

36 (6) Any registration data provided to Indiana by another state
 37 member:

38 (A) is confidential under Indiana law;

39 (B) must be safely secured by Indiana for the duration of a
 40 particular instance of a voter list maintenance activity; and

41 (C) shall be destroyed immediately following the provision of
 42 data concerning potential duplicate voter registrations to IDEA



- 1 member states.
- 2 (7) Any other provisions necessary for the proper and effective
3 administration of IDEA.
- 4 (c) Not later than thirty (30) days following the receipt of
5 information under subsection (b) indicating that a voter of Indiana may
6 also be registered to vote in another state, the NVRA official shall
7 provide the appropriate county voter registration office with the name
8 of and any other information obtained under this subsection concerning
9 that voter, if both of the following apply:
- 10 (1) The first name, last name, and date of birth of the Indiana
11 voter is identical to the first name, last name, and date of birth of
12 the voter registered in the other state.
- 13 (2) A comparison of the records indicates that there is a
14 confidence factor that the records are for the same individual
15 resulting from the accumulation of at least seventy-five (75)
16 points based on the following criteria:
- 17 (A) Full Social Security number: 40 points.
18 (B) Last four (4) digits of Social Security number: 10 points.
19 (C) Indiana driver's license or identification card number: 50
20 points.
21 (D) Date of birth: 25 points.
22 (E) Last Name: 15 points.
23 (F) First Name: 15 points.
24 (G) Middle Name: 5 points.
25 (H) Suffix: 5 points.
26 (I) Street Address 1: 10 points.
27 (J) Zip Code (first five (5) digits): 5 points.
- 28 (d) The county voter registration office shall determine whether the
29 individual:
- 30 (1) identified in the report provided by the NVRA official under
31 subsection (c) is the same individual who is a registered voter of
32 the county;
- 33 (2) registered to vote in another state on a date following the date
34 that voter registered in Indiana; and
- 35 (3) authorized the cancellation of any previous registration by the
36 voter when the voter registered in another state.
- 37 (e) If the county voter registration office determines that the voter
38 is described by subsection (d), the county voter registration office shall
39 cancel the voter registration of that voter. If the county voter
40 registration office determines that the voter is described by subsection
41 (d)(1) and (d)(2), but has not authorized the cancellation of any
42 previous registration, the county voter registration office shall send an



1 address confirmation notice to the Indiana address of the voter.

2 (f) The county voter registration office may rely on written
3 information provided either directly by a voter registration office in
4 another state or forwarded from the election division from the office in
5 the other state. as follows:

6 ~~(1) If this Information: is~~

7 ~~(1) provided directly from the other state to the Indiana county~~
8 ~~voter registration official; the out-of-state voter registration~~
9 ~~official or~~

10 ~~(2) forwarded by the election division;~~

11 must ~~provide~~ **include** a copy of the voter's signed voter registration
12 application which indicates the individual authorizes cancellation of
13 the individual's previous registration.

14 ~~(2) If the election division forwards written notice from another~~
15 ~~state to an Indiana county voter registration official; the county~~
16 ~~should consider this notice as confirmation that the individual is~~
17 ~~registered in another jurisdiction and has requested cancellation~~
18 ~~of the Indiana registration. A copy of the actual voter signature is~~
19 ~~not required to be provided to the county for the voter's status to~~
20 ~~be canceled if the written notice is forwarded by the election~~
21 ~~division.~~

22 County voter registration officials shall review the date the individual
23 registered out of state and the date the individual registered in Indiana
24 to confirm which registration is more recent when performing the
25 officials' analysis under this subsection.

26 SECTION 10. IC 3-8-1-21, AS AMENDED BY P.L.278-2019,
27 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2023]: Sec. 21. A candidate for the office of county
29 commissioner must:

30 (1) have resided in the county for at least one (1) year before the
31 election, as provided in Article 6, Section 4 of the Constitution of
32 the State of Indiana; and

33 (2) have resided in the district in which seeking election ~~if~~
34 ~~applicable~~; for at least six (6) months before the election.

35 SECTION 11. IC 3-8-5-10.5, AS AMENDED BY P.L.109-2021,
36 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2023]: Sec. 10.5. (a) A person who desires to be nominated
38 for a town office by a major political party must file a declaration of
39 candidacy with the circuit court clerk of the county containing the
40 greatest percentage of population of the town.

41 (b) A declaration of candidacy must be filed:

42 (1) not earlier than the first date that a declaration of candidacy



1 for a primary election may be filed under IC 3-8-2-4; and

2 (2) not later than:

3 (A) noon August 1 before a municipal election if the town
4 nominates its candidates by convention; and

5 (B) the date that a declaration of candidacy must be filed under
6 IC 3-8-2-4 if the town nominates its candidates by a primary
7 election.

8 (c) The declaration must be subscribed and sworn to (or affirmed)
9 before a notary public or other person authorized to administer oaths.

10 (d) The declaration of each candidate required by this section must
11 certify the following information:

12 (1) The candidate's name, printed or typewritten as:

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

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

17 (2) That the candidate is a registered voter and the location of the
18 candidate's precinct and township (or the ward, if applicable, and
19 town), county, and state.

20 (3) The candidate's complete residence address and the
21 candidate's mailing address if the mailing address is different
22 from the residence address.

23 (4) The majority party candidate's party affiliation and the office
24 to which the candidate seeks nomination, including the district
25 designation if the candidate is seeking a town legislative body
26 seat. For purposes of this subdivision, a candidate is considered
27 to be affiliated with a political party only if one (1) of the
28 following applies:

29 (A) The **two (2)** most recent primary ~~election~~ **elections** in
30 Indiana in which the candidate voted ~~was a~~ **were** primary
31 ~~election~~ **elections** held by the party with which the candidate
32 claims affiliation. If the candidate cast a nonpartisan ballot at
33 an election held at the most recent primary election in which
34 the candidate voted, a certification by the county chairman
35 under clause (B) is required.

36 (B) The county chairman of:

37 (i) the political party with which the candidate claims
38 affiliation; and

39 (ii) the county in which the candidate resides;

40 certifies in writing that the candidate is a member of the
41 political party.

42 The declaration of candidacy must inform a candidate how party



1 affiliation is determined under this subdivision and permit the
 2 candidate to indicate on the declaration of candidacy whether
 3 clause (A) or (B) applies to the candidate. If a candidate claims
 4 party affiliation under clause (B), the candidate must attach to the
 5 candidate's declaration of candidacy the written certification of
 6 the county chairman required by clause (B).

7 (5) That the candidate complies with all requirements under the
 8 laws of Indiana to be a candidate for the above named office,
 9 including any applicable residency requirements, and is not
 10 ineligible to be a candidate due to a criminal conviction that
 11 would prohibit the candidate from serving in the office.

12 (6) That the candidate has attached either of the following to the
 13 declaration:

14 (A) A copy of a statement of economic interests, file stamped
 15 by the office required to receive the statement of economic
 16 interests.

17 (B) A receipt or photocopy of a receipt showing that a
 18 statement of economic interests has been filed.

19 (7) That the candidate understands that if the candidate is elected
 20 to the office, the candidate may be required to obtain and file an
 21 individual surety bond before serving in the office.

22 (8) That the candidate understands that if the candidate is elected
 23 to the office, the candidate may be required to successfully
 24 complete training or have attained certification related to service
 25 in an elected office.

26 (9) That the candidate:

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

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

31 (10) A statement indicating whether or not the candidate:

32 (A) has been a candidate for state, legislative, local, or school
 33 board office in a previous primary, municipal, special, or
 34 general election; and

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

37 (11) The candidate's signature.

38 (e) This subsection does not apply to a town whose municipal
 39 election is to be conducted by a county. Immediately after the deadline
 40 for filing, the circuit court clerk shall do all of the following:

41 (1) Certify to the town clerk-treasurer and release to the public a
 42 list of the candidates of each political party for each office. The



1 list shall indicate any candidates of a political party nominated for
2 an office under this chapter because of the failure of any other
3 candidates of that political party to file a declaration of candidacy
4 for that office.

5 (2) Post a copy of the list in a prominent place in the circuit court
6 clerk's office.

7 (3) File a copy of each declaration of candidacy with the town
8 clerk-treasurer.

9 (f) A person who files a declaration of candidacy for an elected
10 office for which a per diem or salary is provided for by law is
11 disqualified from filing a declaration of candidacy for another office for
12 which a per diem or salary is provided for by law until the original
13 declaration is withdrawn.

14 (g) A person who files a declaration of candidacy for an elected
15 office may not file a declaration of candidacy for that office in the same
16 year as a member of a different political party until the original
17 declaration is withdrawn.

18 (h) A person who files a declaration of candidacy under this section
19 may file a written notice withdrawing the person's declaration of
20 candidacy in the same manner as the original declaration was filed, if
21 the notice of withdrawal is filed not later than:

22 (1) noon August 1 before the municipal election if the town
23 nominates its candidates by convention; and

24 (2) the date that a declaration of candidacy may be withdrawn
25 under IC 3-8-2-20 if the town nominates its candidates in a
26 primary election.

27 (i) A declaration of candidacy must include a statement that the
28 candidate requests the name on the candidate's voter registration record
29 be the same as the name the candidate uses on the declaration of
30 candidacy. If there is a difference between the name on the candidate's
31 declaration of candidacy and the name on the candidate's voter
32 registration record, the officer with whom the declaration of candidacy
33 is filed shall forward the information to the voter registration officer of
34 the appropriate county as required by IC 3-5-7-6(e). The voter
35 registration officer of the appropriate county shall change the name on
36 the candidate's voter registration record to be the same as the name on
37 the candidate's declaration of candidacy.

38 SECTION 12. IC 3-8-6-3 IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) A petition of nomination must
40 be signed by the number of voters equal to two percent (2%) of the
41 total vote cast at the last election for secretary of state in the election
42 district that the candidate seeks to represent.



1 (b) In determining the number of signatures required under this
2 section, any fraction in excess of a whole number must be disregarded.

3 **(c) If an election district is included entirely within one (1)**
4 **precinct, and does not include the entire precinct, the petition of**
5 **nomination must be signed by at least five (5) voters of the election**
6 **district.**

7 SECTION 13. IC 3-8-7-11, AS AMENDED BY P.L.225-2011,
8 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2023]: Sec. 11. (a) Except as provided in subsection (f), if a
10 political party has filed a statement with the election division (or any
11 of its predecessors) that the device selected by the political party be
12 used to designate the candidates of the political party on the ballot for
13 all elections throughout the state, the device must be used until:

- 14 (1) the device is changed in accordance with party rules; and
15 (2) a statement concerning the use of the new device is filed with
16 the election division.

17 (b) Except as provided in subsection (c), the device may be any
18 appropriate symbol.

19 (c) A political party ~~or an independent candidate~~ may not use any of
20 the following as a device:

- 21 (1) A symbol that has previously been filed by a political party ~~or~~
22 ~~candidate~~ with the election division (or any of its predecessors).
23 (2) The coat of arms or seal of the state or of the United States.
24 (3) The national or state flag.
25 (4) Any other emblem common to the people.

26 (d) Not later than noon on the date specified under section 16 of this
27 chapter for the certification of candidates and public questions by the
28 election division, the election division shall provide each county
29 election board with a camera-ready copy of the device under which the
30 candidates of the political party or the petitioner are to be listed so that
31 ballots may be prepared using the best possible reproduction of the
32 device.

33 (e) This subsection applies to a ~~candidate~~ or political party whose
34 device is not filed with the election division under subsection (a) and
35 is to be printed only on ballots to identify candidates for election to a
36 local office. Not later than noon on the date specified under section 16
37 of this chapter for the certification of candidates and public questions
38 by the election division, the chairman of the political party or the
39 petitioner of nomination shall file a camera-ready copy of the device
40 under which the candidates of the political party or the petitioner are
41 to be listed with the county election board of each county in which the
42 name of the candidate or party will be placed on the ballot. The county



1 election board shall provide the camera-ready copy of the device to the
 2 town election board of a town located wholly or partially within the
 3 county upon request by the town election board.

4 (f) If a copy of the device is not filed in accordance with subsection
 5 (a) or (e), or unless a device is designated in accordance with section
 6 26 or 27 of this chapter, the county election board or town election
 7 board is not required to use any device to designate the list of
 8 candidates.

9 (g) If a device is filed with the election division or an election board
 10 after the commencement of printing of ballots for use at an election
 11 conducted under this title, the election board responsible for printing
 12 the ballots is not required to alter the ballots to include the device filed
 13 under this subsection.

14 SECTION 14. IC 3-8-9-10 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2023]: **Sec. 10. (a) This section applies to any individual required
 17 to file a statement in accordance with section 5 of this chapter.**

18 **(b) If:**

19 **(1) the individual (or another individual acting on behalf of
 20 that individual) fails to file the statement with the individual's
 21 declaration of candidacy, petition of nomination, certificate of
 22 nomination, consent to be a replacement candidate, certificate
 23 of candidate selection, declaration of intent to be a write-in
 24 candidate, or following the individual's assumption of a
 25 vacant elected office during the period described by section 5;
 26 and**

27 **(2) notwithstanding the requirements of section 6 of this
 28 chapter, the statement is accepted by the circuit court clerk;
 29 the individual, if elected to an office or receiving an appointment
 30 pro tempore to an office, is not entitled to receive a salary for
 31 service in that office until the statement is filed.**

32 SECTION 15. IC 3-9-4-4, AS AMENDED BY P.L.91-2019,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2023]: **Sec. 4. (a) The election division shall develop a filing
 35 and coding system consistent with the purposes of this article. The
 36 election division and each county election board shall use the filing and
 37 coding system. The coding system must provide:**

38 **(1) not more than ten (10) codes to account for various campaign
 39 expenditure items; and
 40 (2) a clear explanation of the kinds of expenditure items that must
 41 be accounted for under each code.**

42 **(b) The election division shall develop and use a computer system**



1 to store campaign finance reports required to be filed under IC 3-9-5-6,
 2 IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the
 3 election division to do the following:

4 (1) Identify all candidates or committees that received
 5 contributions from a contributor over the past three (3) years.

6 (2) Identify all contributors to a candidate or committee over the
 7 past three (3) years.

8 (3) Provide for electronic submission, retrieval, storage, and
 9 disclosure of campaign finance reports of candidates for the
 10 following:

11 (A) Legislative office.

12 (B) State office.

13 The election division shall provide training at no cost to
 14 candidates to enable candidates described in this subdivision to
 15 file campaign finance reports electronically.

16 (c) The election division shall notify each candidate's committee
 17 that the election division will provide at the committee's request at no
 18 cost a standardized software program to permit the committee to install
 19 the software on a computer and generate an electronic version of the
 20 reports and statements required to be filed with the election division
 21 under this article. However, the election division is not required to
 22 provide or alter the software program to make the program compatible
 23 for installation or operation on a specific computer.

24 (d) This subsection applies to the following committees:

25 ~~(1) A committee for a candidate seeking election to a state office.~~

26 ~~(2) A committee for a candidate seeking election to a legislative~~
 27 ~~office.~~

28 ~~(3) A political action committee that has received more than fifty~~
 29 ~~thousand dollars (\$50,000) in contributions since the close of the~~
 30 ~~previous reporting period. **all committees required to file a**~~
 31 ~~**report or statement with the election division.**~~

32 The committee must file electronically the report or statement required
 33 under this article with the election division using a standardized
 34 software program supplied to the committee without charge under
 35 subsection (c) or another format approved by the election division. An
 36 electronic filing approved by the election division under this subsection
 37 may not require manual reentry into a computer system of the data
 38 contained in the report or statement in order to make the data available
 39 to the general public under subsection (g).

40 (e) This subsection applies to an electronic submission under
 41 subsection (b)(3). An electronic submission must be in a format
 42 previously approved by the election division that permits the election



1 division to print out a hard copy of the report after the receipt of the
 2 electronic submission from the candidate. Filing of a report occurs
 3 under IC 3-5-2-24.5 on the date and at the time electronically recorded
 4 by the election division's computer system. If a discrepancy exists
 5 between the text of the electronic submission and the printed report, the
 6 text of the printed report prevails until an amendment is filed under this
 7 article to correct the discrepancy.

8 (f) The election division is not required to accept an electronic
 9 submission unless the submission complies with subsection (b)(3).
 10 Upon receiving approval from the commission, the election division
 11 may accept an electronic submission from candidates, committees, or
 12 persons described in subsection (b)(3).

13 (g) The election division shall make campaign finance reports stored
 14 on the computer system under subsection (b) available to the general
 15 public through an on-line service.

16 SECTION 16. IC 3-9-4-14 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) The election
 18 division and each county election board shall do all of the following:

19 (1) Ascertain whether candidates, committees, or other persons
 20 have:

- 21 (A) failed to file statements of organization or reports; or
- 22 (B) filed defective statements of organization or reports.

23 (2) Give the following notices:

24 (A) To delinquents to file a statement of organization or a
 25 report immediately upon receipt of the notice. A delinquency
 26 notice for a report must be given not later than thirty (30) days
 27 after the date the report was required to be filed. The election
 28 division or a county election board may, but is not required to,
 29 give delinquency notices at other times.

30 (B) To persons filing defective reports to make a supplemental
 31 statement or report correcting all defects not later than noon
 32 five (5) calendar days after receipt of the notice.

33 (3) Make available for public inspection a list of delinquents and
 34 persons who have failed to file the required supplemental
 35 statement or report. The election division and each county
 36 election board shall post a list of delinquents in a public place at
 37 or near the entrance of the commission's or board's respective
 38 offices.

39 (b) The election division shall mail:

- 40 (1) to each candidate required to file a campaign finance report
 41 with the election division; and
- 42 (2) twenty-one (21) days before the campaign finance reports are



- 1 due;
- 2 ~~the proper campaign finance report forms~~ and a notice that states the
- 3 date the campaign finance reports are due. The election division is
- 4 required to mail notices ~~and forms~~ only to candidates for state offices
- 5 and legislative offices. A county election board may, but is not required
- 6 to, implement this subsection for candidates for local offices.
- 7 (c) Notwithstanding any notice given to a delinquent under
- 8 subsection (a) or (b), the delinquent remains liable for a civil penalty
- 9 in the full amount permitted under this chapter for failing to file a
- 10 campaign finance report or statement of organization not later than the
- 11 date and time prescribed under this article.
- 12 SECTION 17. IC 3-9-4-16, AS AMENDED BY P.L.225-2011,
- 13 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2023]: Sec. 16. (a) In addition to any other penalty imposed,
- 15 a person who does any of the following is subject to a civil penalty
- 16 under this section:
- 17 (1) Fails to file with the election division a report in the manner
- 18 required under IC 3-9-5.
- 19 (2) Fails to file a statement of organization required under
- 20 IC 3-9-1.
- 21 (3) Is a committee or a member of a committee who disburses or
- 22 expends money or other property for any political purpose before
- 23 the money or other property has passed through the hands of the
- 24 treasurer of the committee.
- 25 (4) Makes a contribution other than to a committee subject to this
- 26 article or to a person authorized by law or a committee to receive
- 27 contributions on the committee's behalf.
- 28 (5) Is a corporation or labor organization that exceeds any of the
- 29 limitations on contributions prescribed by IC 3-9-2-4.
- 30 (6) Makes a contribution in the name of another person.
- 31 (7) Accepts a contribution made by one (1) person in the name of
- 32 another person.
- 33 (8) Is not the treasurer of a committee subject to this article, and
- 34 pays any expenses of an election or a caucus except as authorized
- 35 by this article.
- 36 (9) Commingles the funds of a committee with the personal funds
- 37 of an officer, a member, or an associate of the committee.
- 38 (10) Wrongfully uses campaign contributions in violation of
- 39 IC 3-9-3-4.
- 40 (11) Violates IC 3-9-2-12.
- 41 (12) Fails to designate a contribution as required by IC 3-9-2-5(c).
- 42 (13) Violates IC 3-9-3-5.



- 1 (14) Serves as a treasurer of a committee in violation of any of the
 2 following:
 3 (A) IC 3-9-1-13(1).
 4 (B) IC 3-9-1-13(2).
 5 (C) IC 3-9-1-18.
- 6 (15) Fails to comply with section 4(d) of this chapter.
- 7 (16) Violates IC 3-9-3-2.5 by making a communication that
 8 contains a disclaimer that is not presented in a clear and
 9 conspicuous manner required by IC 3-9-3-2.5(d) and
 10 IC 3-9-3-2.5(e). This subdivision does not apply to a person
 11 whose sole act is, in the normal course of business, participating
 12 in the preparation, printing, distribution, or broadcast of the
 13 communication containing the disclaimer.
- 14 **(17) Fails to file campaign finance reports electronically in a**
 15 **manner required under section 4 of this chapter.**
- 16 (b) This subsection applies to a person who is subject to a civil
 17 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
 18 statement. If the commission determines that a person failed to file the
 19 amended report or statement of organization not later than noon five (5)
 20 days after being given notice under section 14 of this chapter, the
 21 commission may assess a civil penalty. The penalty is ten dollars (\$10)
 22 for each day the report is late after the expiration of the five (5) day
 23 period, not to exceed one hundred dollars (\$100) plus any investigative
 24 costs incurred and documented by the election division. The civil
 25 penalty limit under this subsection applies to each report separately.
- 26 (c) This subsection applies to a person who is subject to a civil
 27 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
 28 statement. If the commission determines that a person failed to file the
 29 report or statement of organization by the deadline prescribed under
 30 this article, the commission shall assess a civil penalty. The penalty is
 31 fifty dollars (\$50) for each day the report or statement is late, with the
 32 afternoon of the final date for filing the report or statement being
 33 calculated as the first day. The civil penalty under this subsection may
 34 not exceed one thousand dollars (\$1,000) plus any investigative costs
 35 incurred and documented by the election division. The civil penalty
 36 limit under this subsection applies to each report separately.
- 37 (d) This subsection applies to a person who is subject to a civil
 38 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
 39 (a)(10). If the commission determines that a person is subject to a civil
 40 penalty under subsection (a), the commission may assess a civil penalty
 41 of not more than one thousand dollars (\$1,000), plus any investigative
 42 costs incurred and documented by the election division.



1 (e) This subsection applies to a person who is subject to a civil
2 penalty under subsection (a)(5). If the commission determines that a
3 person is subject to a civil penalty under subsection (a)(5), the
4 commission may assess a civil penalty of not more than three (3) times
5 the amount of the contribution in excess of the limit prescribed by
6 IC 3-9-2-4, plus any investigative costs incurred and documented by
7 the election division.

8 (f) This subsection applies to a person who is subject to a civil
9 penalty under subsection (a)(11). If the commission determines that a
10 candidate or the candidate's committee has violated IC 3-9-2-12, the
11 commission shall assess a civil penalty equal to the greater of the
12 following, plus any investigative costs incurred and documented by the
13 election division:

14 (1) Two (2) times the amount of any contributions received.

15 (2) One thousand dollars (\$1,000).

16 (g) This subsection applies to a person who is subject to a civil
17 penalty under subsection (a)(12). If the commission determines that a
18 corporation or a labor organization has failed to designate a
19 contribution in violation of IC 3-9-2-5(c), the commission shall assess
20 a civil penalty equal to the greater of the following, plus any
21 investigative costs incurred and documented by the election division:

22 (1) Two (2) times the amount of the contributions undesignated.

23 (2) One thousand dollars (\$1,000).

24 (h) This subsection applies to a person who is subject to a civil
25 penalty under subsection (a)(13). If the commission determines, by
26 unanimous vote of the entire membership of the commission, that a
27 person has violated IC 3-9-3-5, the commission may assess a civil
28 penalty of not more than five hundred dollars (\$500), plus any
29 investigative costs incurred and documented by the election division.

30 (i) This subsection applies to a person who is subject to a civil
31 penalty under subsection (a)(14). If the commission determines, by
32 unanimous vote of the entire membership of the commission, that a
33 person has served as the treasurer of a committee in violation of any of
34 the statutes listed in subsection (a)(14), the commission may assess a
35 civil penalty of not more than five hundred dollars (\$500), plus any
36 investigative costs incurred and documented by the election division.

37 (j) This subsection applies to a person who is subject to a civil
38 penalty under subsection (a)(15). The commission may assess a civil
39 penalty equal to the costs incurred by the election division for the
40 manual entry of the data contained in the report or statement, plus any
41 investigative costs incurred and documented by the election division.

42 (k) This subsection applies to a person who is subject to a civil



1 penalty under subsection (a)(16). If the commission determines that a
 2 person is subject to a civil penalty under subsection (a)(16), the
 3 commission may assess a civil penalty of not more than one thousand
 4 dollars (\$1,000) for each communication circulated or published (but
 5 not for each of the copies of the communication actually circulated or
 6 published), plus any investigative costs incurred and documented by
 7 the election division.

8 **(l) This subsection applies to a person who is subject to a civil**
 9 **penalty under subsection (a)(17). If the commission determines that**
 10 **a person failed to file the report electronically in a manner**
 11 **required under section 4 of this chapter, the commission shall**
 12 **assess a civil penalty. The penalty is one hundred dollars (\$100) for**
 13 **each report that has not been filed electronically in a manner**
 14 **required under section 4 of this chapter, plus any investigative**
 15 **costs incurred and documented by the election division. The civil**
 16 **penalty limit under this subsection applies to each report**
 17 **separately.**

18 ~~(j)~~ **(m)** All civil penalties collected under this section shall be
 19 deposited with the treasurer of state in the campaign finance
 20 enforcement account.

21 ~~(m)~~ **(n)** Proceedings of the commission under this section are
 22 subject to IC 4-21.5.

23 SECTION 18. IC 3-9-5-7 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) **This subsection applies to**
 25 **a committee required to file with a county election board under**
 26 **section 4 of this chapter.** A person may deliver reports to the
 27 appropriate office as follows:

28 (1) By hand.

29 (2) By mail.

30 (3) By electronic mail, if the appropriate office has the capacity
 31 to do all of the following:

32 (A) Receive electronic mail.

33 (B) Electronically record the date and time that electronic mail
 34 is received by the office.

35 (C) Print out a hard copy of the report after the receipt of the
 36 electronic mail by the office.

37 (b) Reports must be filed as follows:

38 (1) Hand delivered reports or reports transmitted by mail must be
 39 filed with ~~the appropriate office~~ **a county election board** during
 40 regular office hours not later than noon seven (7) days after the
 41 date of the report.

42 (2) Reports delivered by electronic mail must be filed with ~~the~~



1 appropriate office a county election board not later than noon
2 seven (7) days after the date of the report.

3 **(3) Reports electronically filed with the election division in**
4 **accordance with IC 3-9-4-4 or with a county election board**
5 **under IC 3-9-4-4.5 must be filed not later than noon seven (7)**
6 **days after the date of the report.**

7 (c) This subsection applies to a report delivered to a county
8 election board by electronic mail. Filing of a report occurs under
9 IC 3-5-2-24.5 on the date and at the time electronically recorded by the
10 office's computer system. If a discrepancy exists between the text of the
11 electronic mail and the printed report, the text of the printed report
12 prevails until an amendment is filed under this article to correct the
13 discrepancy.

14 (d) ~~An office is not required to~~ A county election board may
15 accept a report or statement required under this article by facsimile
16 transmission. ~~Upon approval of a policy by the commission or a county~~
17 ~~election board to receive reports or statements by facsimile~~
18 ~~transmission, the election division or the county election board may~~
19 ~~accept the facsimile transmission of a report or statement.~~

20 SECTION 19. IC 3-9-5-20.1, AS AMENDED BY P.L.169-2015,
21 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2023]: Sec. 20.1. (a) This section:

23 (1) applies only to a large contribution that is received **and**
24 **accepted** by a candidate, the candidate's committee, or the
25 treasurer of the candidate's committee; and

26 (2) does not apply to a candidate for a state office, the candidate's
27 committee, or the treasurer of the candidate's committee.

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

29 (1) A primary election.

30 (2) A general election.

31 (3) A municipal election.

32 (4) A special election.

33 (5) For candidates nominated at a state convention, the state
34 convention.

35 (c) As used in this section, "large contribution" means contributions:

36 (1) that total at least one thousand dollars (\$1,000); and

37 (2) that are received **and accepted**:

38 (A) not more than twenty-five (25) days before an election;

39 and

40 (B) not less than forty-eight (48) hours before an election.

41 (d) The treasurer of a candidate's committee shall file a
42 supplemental large contribution report with the election division or a



1 county election board not later than forty-eight (48) hours after the
 2 contribution is received **and accepted**. A candidate for a legislative
 3 office shall file a report required by this section with the election
 4 division and the county election board as required by section 3 of this
 5 chapter. A report filed under this section may be filed by facsimile
 6 (fax) transmission.

7 (e) A report required by subsection (d) must contain the following
 8 information for each large contribution:

- 9 (1) The name of the person making the contribution.
- 10 (2) The address of the person making the contribution.
- 11 (3) If the person making the contribution is an individual, the
 12 individual's occupation.
- 13 (4) The total amount of the contribution.
- 14 (5) The dates and times the contributions making up the large
 15 contribution were received **and accepted** by the treasurer, the
 16 candidate, or the candidate's committee.

17 (f) The election division shall prescribe the form for the report
 18 required by this section.

19 SECTION 20. IC 3-9-5-22, AS AMENDED BY P.L.169-2015,
 20 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2023]: Sec. 22. (a) This section applies only to a large
 22 contribution that is received **and accepted** by a candidate for a state
 23 office, the candidate's committee, or the treasurer of the candidate's
 24 committee.

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

- 26 (1) For a candidate nominated at a primary election, the primary
 27 election.
- 28 (2) For a candidate nominated at a state convention, the state
 29 convention.
- 30 (3) A general election.

31 (c) As used in this section, "large contribution" means either of the
 32 following:

- 33 (1) Contributions:
 - 34 (A) that total at least one thousand dollars (\$1,000); and
 - 35 (B) that are received **and accepted**:
 - 36 (i) after the end of a reporting period and before the deadline
 37 for the candidate's committee to file a report under section
 38 6 of this chapter; and
 - 39 (ii) not less than forty-eight (48) hours before an election.

- 40 (2) A single contribution that is at least ten thousand dollars
 41 (\$10,000) that is received **and accepted** at any time.

42 (d) The treasurer of a candidate's committee shall file a



1 supplemental large contribution report with the election division not
2 later than:

- 3 (1) forty-eight (48) hours after a contribution described by
4 subsection (c)(1) is received **and accepted**; or
5 (2) noon seven (7) days after a contribution described by
6 subsection (c)(2) is received **and accepted**.

7 (e) A report filed under this section may be filed by facsimile
8 transmission or as an electronic report when the requirements of
9 IC 3-9-4 or this chapter have been met. A report required by subsection
10 (d) must contain the following information for each large contribution:

- 11 (1) The name of the person making the contribution.
12 (2) The address of the person making the contribution.
13 (3) If the person making the contribution is an individual, the
14 individual's occupation.
15 (4) The total amount of the contribution.
16 (5) The dates and times the contributions making up the large
17 contribution described in subsection (c)(1) or a large contribution
18 described in subsection (c)(2) were received **and accepted** by the
19 treasurer, the candidate, or the candidate's committee.

20 (f) The election division shall prescribe the form for the report
21 required by this section.

22 SECTION 21. IC 3-10-1-33 IS REPEALED [EFFECTIVE JULY 1,
23 2023]. ~~Sec. 33: (a) The county election board shall also make an~~
24 ~~additional duplicate showing the votes cast for each candidate required~~
25 ~~to file a declaration of candidacy with the election division under~~
26 ~~IC 3-8-2:~~

27 ~~(b) The circuit court clerk shall, not later than noon on the second~~
28 ~~Monday following the primary election, send to the election division by~~
29 ~~certified mail or hand deliver to the election division one (1) complete~~
30 ~~copy of all returns for these candidates:~~

31 ~~(c) The circuit court clerk may send the document described in~~
32 ~~subsection (b) using the computerized list established under~~
33 ~~IC 3-7-26.3. A document sent under this subsection complies with any~~
34 ~~requirement for the document to be certified or sealed:~~

35 SECTION 22. IC 3-11-1.5-3, AS AMENDED BY P.L.169-2015,
36 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2023]: Sec. 3. (a) Except as provided in:

- 38 (1) subsection (b);
39 (2) subsection (c);
40 (3) section 3.2 of this chapter; or
41 (4) section 3.5 of this chapter;

42 a county executive shall establish precincts so that a precinct contains



1 not more than two thousand (2,000) active voters.

2 (b) This subsection applies to a precinct that includes:

- 3 (1) an entire township, but does not cross a township boundary in
4 violation of section 4 of this chapter;
5 (2) an entire city legislative body district, but does not cross the
6 boundary of a city legislative body district;
7 (3) an entire town legislative body district, but does not cross the
8 boundary of a town legislative body district; or
9 (4) one (1) residential structure containing more than two
10 thousand (2,000) active voters and no other residential structure
11 containing voters.

12 In changing precincts or establishing new precincts, a county executive
13 shall arrange a precinct so that it will contain not more than two
14 thousand three hundred (2,300) active voters.

15 (c) A county executive is not required to establish precincts so that
16 a precinct contains not more than two thousand (2,000) active voters
17 if the precinct:

- 18 (1) was established by the county executive in compliance with
19 subsection (a) within the preceding forty-eight (48) months; and
20 (2) contains not more than two thousand two hundred (2,200)
21 active voters.

22 **(d) A county executive is not required to establish precincts so**
23 **that a precinct contains not more than two thousand (2,000) active**
24 **voters or two thousand three hundred (2,300) active voters if the**
25 **precinct is in a county designated as a vote center county.**

26 SECTION 23. IC 3-11-1.5-38.1, AS ADDED BY P.L.108-2021,
27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2023]: Sec. 38.1. (a) This section applies to the boundaries of
29 a precinct as established before January 1, 2021.

30 (b) As used in this chapter, "federal decennial census" has the
31 meaning set forth in IC 1-1-3.5-2(a).

32 (c) The office shall file with the election division the following
33 information for a precinct described in subsection (a):

- 34 (1) A list of the census blocks comprising the voting tabulation
35 districts used by the United States Department of Commerce,
36 Bureau of the Census, in reporting the 2020 federal decennial
37 census of Indiana, as supplemented by the office.
38 (2) A file in a format prescribed by the election division depicting
39 the boundaries of the precinct as shown by maps included in the
40 GIS.

41 (d) After a filing occurs under subsection (c), the election division
42 shall immediately notify the county executive and the county election



1 board (or the board of elections and registration) of the county in which
2 the precinct is located.

3 (e) Not later than thirty (30) days after the date of the notice
4 described in subsection (d), the county executive shall notify the
5 election division if the filing described in subsection (c) contains errors
6 or is otherwise incorrect or incomplete. The notice must state one (1)
7 of the following:

8 (1) The county executive will submit to the election division, not
9 later than January 1, 2022, additional information for or
10 corrections to the filing, which will become the precinct
11 boundaries for the county for purposes of an election conducted
12 after January 1, 2022, and until a new precinct establishment
13 order for the county is adopted as provided in this chapter.

14 (2) The county executive will adopt a new precinct establishment
15 order for the county as provided in this chapter.

16 (f) The election division shall provide the office with the additional
17 information and corrections submitted by a county executive under
18 subsection (e)(1), and the office shall add the additional information
19 and corrections to the GIS.

20 (g) If a county executive does not file a notice under subsection (e),
21 the following apply:

22 (1) The precinct descriptions filed by the office under subsection
23 (c) become the precinct boundaries for the county for purposes of
24 an election conducted after January 1, 2022, and until a new
25 precinct establishment order for the county is adopted as provided
26 in this chapter.

27 (2) A registered voter of the county may not file an objection
28 under section 18 of this chapter to the precinct descriptions filed
29 by the office under subsection (c).

30 (h) This subsection applies to an order to establish precinct
31 boundaries approved under this chapter before January 1, 2021. Not
32 later than January 1, 2022, the county executive shall do the following:

33 (1) Correct any precinct boundaries that contain incorrect
34 information as the result of the enactment of any of the following:

35 (A) The 2021 Indiana congressional district plan.

36 (B) The 2021 senate district plan.

37 (C) The 2021 house district plan.

38 (2) File with the election division any corrections as described in
39 subdivision (1) on a form prescribed by the election division or
40 through the module on the computerized list established under
41 IC 3-7-26.3 as described in section 12.1 of this chapter.

42 (i) This section does not prohibit the establishment of precincts in



1 a county using a precinct establishment order as provided in this
2 chapter.

3 (j) ~~This section expires December 31, 2024.~~ **In addition to precinct**
4 **boundaries, the name of a precinct as included in the federal**
5 **decennial census data becomes the official name of the precinct.**

6 SECTION 24. IC 3-11-4-14, AS AMENDED BY P.L.66-2010,
7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2023]: Sec. 14. (a) All absentee ballots other than those
9 specified in section 12.5 of this chapter shall be:

10 (1) prepared and printed under the direction of each county
11 election board; **and**

12 (2) **printed on security paper that incorporates features which**
13 **can be used to authenticate the ballot as an official ballot but**
14 **which do not make the ballot identifiable to a particular**
15 **elector.**

16 After completing the estimate required by section 10 of this chapter
17 and receiving all certifications from the election division required
18 under IC 3-8 or IC 3-10, the county election board shall immediately
19 proceed to prepare and have printed the ballots.

20 (b) Except as provided in subsection (c), ballots prepared by the
21 county election board under this section must provide space for the
22 voter to cast a write-in ballot.

23 (c) Space for write-in voting for an office is not required if there are
24 no declared write-in candidates for that office. However, procedures
25 must be implemented to permit write-in voting for candidates for
26 federal offices.

27 SECTION 25. IC 3-11-4-18, AS AMENDED BY P.L.100-2018,
28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2023]: Sec. 18. (a) If a voter satisfies any of the qualifications
30 described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot
31 by mail, the county election board shall, at the request of the voter, mail
32 the official ballot, postage fully prepaid, to the voter at the address
33 stated in the application. Each ballot may be assigned a unique tracking
34 number as prescribed by the election division using IMb Tracing or a
35 similar automated tracking method to provide real-time tracking
36 information for the envelope containing the ballot. As used in this
37 subsection, "IMb Tracing" refers to a real-time mail tracking service
38 offered through the United States Postal Service.

39 (b) If the county election board mails an absentee ballot to a voter
40 required to file additional documentation with the county voter
41 registration office before voting by absentee ballot under this chapter,
42 the board shall include a notice to the voter in the envelope mailed to



1 the voter under section 20 of this chapter. The notice must inform the
 2 voter that the voter must file the additional documentation required
 3 under IC 3-7-33-4.5 with the county voter registration office ~~not later~~
 4 ~~than noon on election day for the absentee ballot to be counted as an~~
 5 ~~absentee ballot, and that, if the documentation required under~~
 6 ~~IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the~~
 7 ~~ballot will be processed as a provisional ballot. The election division~~
 8 ~~shall prescribe the form of this notice under IC 3-5-4-8.~~

9 (c) Except as provided in this subsection, section 18.5 of this
 10 chapter, or IC 3-11-10-26.5, the ballot shall be transmitted:

- 11 (1) on the day of the receipt of the voter's application; or
 12 (2) not more than five (5) days after the date of delivery of the
 13 ballots under section 15 of this chapter;

14 whichever is later. If the election board determines that the county
 15 voter registration office has received an application from the applicant
 16 for registration at an address within the precinct indicated on the
 17 application, and the election board determines that this application is
 18 pending under IC 3-7-33, the ballot shall be mailed on the date the
 19 county voter registration office indicates under IC 3-7-33-5(g) that the
 20 applicant is a registered voter.

21 (d) As required by 52 U.S.C. 21081, an election board shall
 22 establish a voter education program (specific to a paper ballot or
 23 optical scan ballot card provided as an absentee ballot under this
 24 chapter) to notify a voter of the effect of casting multiple votes for a
 25 single office.

26 (e) As provided by 52 U.S.C. 21081, when an absentee ballot is
 27 transmitted under this section, the mailing must include:

- 28 (1) information concerning the effect of casting multiple votes for
 29 an office; and
 30 (2) instructions on how to correct the ballot before the ballot is
 31 cast and counted, including the issuance of replacement ballots.

32 SECTION 26. IC 3-11-11-10 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. If an election is a
 34 general or municipal election and a voter desires to vote for all the
 35 candidates of one (1) political party or group of petitioners, the voter
 36 may make a voting mark on or in a large circle enclosing the device
 37 and before the name under which the candidates of the party ~~or group~~
 38 ~~of petitioners~~ are printed. The voter's vote shall then be counted for all
 39 the candidates under that party name. ~~or for the two (2) candidates~~
 40 ~~comprising an independent ticket.~~

41 SECTION 27. IC 3-11-13-22, AS AMENDED BY P.L.135-2020,
 42 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2023]: Sec. 22. (a) This section applies to:
2 (1) a ballot card voting system; and
3 (2) a voting system that includes features of a ballot card voting
4 system and a direct record electronic voting system.
5 (b) Not later than seventy-four (74) days before election day, for
6 each county planning to use automatic tabulating machines at the next
7 election, VSTOP shall provide each county election board with a
8 randomly sorted list of unique identification numbers for the inventory
9 of machines in the county maintained under IC 3-11-16-4. Starting at
10 the top of the list, the county election board shall select machines in the
11 list in the order listed so that:
12 (1) if a machine to be selected in the list is not scheduled to be
13 used in the upcoming election, the selection process will move to
14 the next machine in the order listed;
15 (2) each selected machine is scheduled to be used in the
16 upcoming election; and
17 (3) the number of machines selected is not less than five percent
18 (5%) of the machines in the county scheduled by the county
19 election board to be used in the upcoming election.
20 (c) The county election board shall test the machines as described
21 in subsection (b) to ascertain that the machines will correctly count the
22 votes cast for straight party tickets, for all candidates (including
23 write-in candidates), and on all public questions. If an individual
24 attending the public test requests that additional automatic tabulating
25 machines be tested, then the county election board shall select and test
26 additional machines from the list in the manner described in subsection
27 (b).
28 (d) If VSTOP does not provide the lists under subsection (b) not
29 later than sixty (60) days before the election, the county election board
30 shall establish and implement a procedure for random selection of not
31 less than five percent (5%) of the machines in the county to be used in
32 the upcoming election. The county election board shall then test the
33 machines selected as described in subsection (c).
34 (e) Not later than seven (7) days after conducting the test under
35 subsection (c), the county election board shall certify to the election
36 division that the test has been conducted in conformity with subsection
37 (c). The testing under subsection (c) must begin before absentee voting
38 begins in the office of the circuit court clerk under IC 3-11-10-26.
39 (f) Public notice of the time and place shall be given at least
40 forty-eight (48) hours before the test. The notice shall be published
41 once in accordance with IC 5-3-1-4.
42 (g) If a county election board determines that:



- 1 (1) a ballot:
- 2 (A) must be reprinted or corrected as provided by
- 3 IC 3-11-2-16 because of the omission of a candidate, political
- 4 party, or public question from the ballot; or
- 5 (B) is an absentee ballot that a voter is entitled to recast under
- 6 IC 3-11.5-4-2 because the absentee ballot includes a candidate
- 7 for election to office who:
- 8 (i) ceased to be a candidate; and
- 9 (ii) has been succeeded by a candidate selected under
- 10 IC 3-13-1 or IC 3-13-2; and
- 11 (2) ballots used in the test conducted under this section were not
- 12 reprinted or corrected to remove the omission of a candidate,
- 13 political party, or public question, or indicate the name of the
- 14 successor candidate;
- 15 the county election board shall conduct an additional public test
- 16 described in subsection (c) using the reprinted or corrected ballots.
- 17 Notice of the time and place of the additional test shall be given in
- 18 accordance with IC 5-14-1.5, but publication of the notice in
- 19 accordance with IC 5-3-1-4 is not required.
- 20 **(h) Notwithstanding IC 3-5-4-1.7, a county election board may**
- 21 **send a signed form from a public test to the election division by**
- 22 **electronic mail.**
- 23 SECTION 28. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
- 24 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2023]: Sec. 31.7. (a) This section is enacted to comply with
- 26 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
- 27 standards to define what constitutes a vote on an optical scan voting
- 28 system.
- 29 (b) After receiving ballot cards, a voter shall, without leaving the
- 30 room, go alone into one (1) of the booths or compartments that is
- 31 unoccupied and indicate:
- 32 (1) the candidates for whom the voter desires to vote by marking
- 33 the connectable arrows, circles, ovals, or squares immediately
- 34 beside:
- 35 (A) the candidates' names; or
- 36 (B) the numbers referring to the candidates; and
- 37 (2) the voter's preference on each public question by marking the
- 38 connectable arrow, oval, or square beside:
- 39 (A) the word "yes" or "no" under the question; or
- 40 (B) the number referring to the word "yes" or "no" on the
- 41 ballot.
- 42 (c) If an election is a general or municipal election and a voter



1 desires to vote for all the candidates of one (1) political party, ~~or~~
 2 ~~independent ticket (described in IC 3-11-2-6)~~; the voter may mark:

3 (1) the circle enclosing the device; or

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

6 that designates the candidates of that political party. ~~or independent~~
 7 ~~ticket (described in IC 3-11-2-6)~~. Except as provided by
 8 IC 3-11-7-4(b), the voter's vote shall then be counted for all the
 9 candidates of that political party. ~~or included in the independent ticket~~
 10 ~~(described in IC 3-11-2-6)~~. However, if the voter marks the circle,
 11 arrow, oval, or square of an independent ticket (described in
 12 IC 3-11-2-6), the vote shall not be counted for any other independent
 13 candidate on the ballot.

14 (d) This subsection applies to a voter casting a ballot on a voting
 15 system that includes features of both an optical scan ballot card voting
 16 system and a direct record electronic voting system. After entering into
 17 a booth used with the voting system, the voter shall indicate the
 18 candidates for whom the voter desires to vote and the voter's preference
 19 on each public question by:

20 (1) inserting a paper ballot or an optical scan ballot into the voting
 21 system; or

22 (2) using headphones to listen to a recorded list of political
 23 parties, candidates, and public questions.

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

26 (1) touching a device on or in the squares immediately adjacent
 27 to the name of a political party, candidate, or response to a public
 28 question; or

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

31 SECTION 29. IC 3-11-14.5-11 IS ADDED TO THE INDIANA
 32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2023]: **Sec. 11. Notwithstanding IC 3-5-4-1.7,**
 34 **a county election board may send by electronic mail a signed form**
 35 **from a public test to the election division.**

36 SECTION 30. IC 3-11-15-4, AS AMENDED BY P.L.71-2019,
 37 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: Sec. 4. (a) **This section does not apply to an**
 39 **application for a de minimis change.**

40 (b) Each application for certification of a voting system shall be
 41 accompanied by a fee of five thousand dollars (\$5,000). All fees
 42 collected under this section shall be deposited with the treasurer of



1 state in the voting system technical oversight program account
2 established by IC 3-11-17-6.

3 SECTION 31. IC 3-11-18.1-12, AS AMENDED BY P.L.193-2021,
4 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2023]: Sec. 12. (a) Notwithstanding section 1 of this chapter,
6 this section applies to an electronic poll book to be used in:

7 (1) a precinct polling place, office of the circuit court clerk, or a
8 satellite office in accordance with IC 3-7-29-6; or

9 (2) a vote center under this chapter.

10 (b) Notwithstanding any other law, the electronic poll book used
11 must satisfy all of the following:

12 (1) The electronic poll book must comply with IC 3-11-8-10.3.

13 (2) The electronic poll book must be approved by the secretary of
14 state in accordance with this section.

15 (3) Except with prior written authorization by the VSTOP, the
16 electronic poll book must have been delivered to the county
17 election board not less than sixty (60) days before an election at
18 which the electronic poll book is used.

19 (c) **This subsection does not apply to an application for a de**
20 **minimis change.** A person who wishes to market, sell, lease, or
21 provide an electronic poll book for use in an election in Indiana must
22 first file an application for certification with the election division on a
23 form prescribed by the secretary of state. Except as provided in
24 subsection (i), a person may not market, sell, lease, or provide an
25 electronic poll book for use in an election in Indiana until the secretary
26 of state has approved the application for certification under this section.
27 The application must state that the vendor has complied, and will
28 continue to comply, with subsection (d) following certification of the
29 electronic poll book. Each application for certification of an electronic
30 poll book must be accompanied by a fee of one thousand five hundred
31 dollars (\$1,500). All fees collected under this section shall be deposited
32 with the treasurer of state in the voting system technical oversight
33 program account established by IC 3-11-17-6.

34 (d) The person seeking certification of an electronic poll book shall
35 conduct a background check at least once each year on each individual
36 employed or contracted by the vendor who has access to the electronic
37 poll book to determine if the individual has been convicted of a felony.
38 An individual described by this subsection who has been convicted of
39 a felony may not have access to an electronic poll book in the
40 individual's capacity as an employee or contractor of the vendor.

41 (e) The secretary of state shall refer the application to the person or
42 entity conducting the VSTOP.



1 (f) The VSTOP shall examine the electronic poll book with its
 2 accompanying documentation and file a report with the secretary of
 3 state indicating all of the following:

4 (1) Whether the electronic poll book would operate in compliance
 5 with this title.

6 (2) Whether VSTOP has reviewed tests conducted by an approved
 7 voting system testing laboratory.

8 (3) Whether VSTOP has conducted a field test.

9 (4) Whether the electronic poll book complies with additional
 10 requirements for the electronic poll book application for
 11 certification and acceptance testing, as described in the Indiana
 12 Electronic Poll Book Certification Test Protocol approved by the
 13 secretary of state (as in effect January 1, ~~2021~~: **2023**).

14 (5) Any recommendations regarding the acquisition or use of the
 15 electronic poll book.

16 (6) Whether documentation of the escrow of the electronic poll
 17 book's software, firmware, source codes, and executable images
 18 with an escrow agent approved by the election division has been
 19 received by VSTOP.

20 (7) Whether VSTOP recommends that the secretary of state
 21 approve the electronic poll book under this section, including any
 22 recommended restrictions that should be placed on the secretary
 23 of state's approval.

24 (g) After the report required by subsection (f) is filed, the secretary
 25 of state may approve the application for certification permitting the
 26 electronic poll book to be used in an election in Indiana.

27 (h) A certification under this section expires on December 31 of the
 28 year following the date of its issuance, unless earlier revoked by the
 29 secretary of state upon a written finding of good cause for the
 30 revocation, including a violation of IC 3-11-17-7(b).

31 (i) A person may display or demonstrate an electronic poll book that
 32 has not been certified under this section if the person complies with all
 33 the following requirements:

34 (1) The display or demonstration occurs at a conference of
 35 election officials sponsored by:

36 (A) a state agency; or

37 (B) an association of circuit court clerks or voter registration
 38 officers.

39 (2) The person files a notice with the election division at least
 40 seven (7) days before the scheduled starting date of a conference
 41 referred to in subdivision (1) setting forth the following:

42 (A) The name of the person and each representative scheduled



- 1 to display or demonstrate the electronic poll book.
 2 (B) The address and telephone number of the person.
 3 (C) The model name of the electronic poll book.
 4 (D) The name and manufacturer of the electronic poll book.
 5 (E) The date and location of the display or demonstration of
 6 the electronic poll book.
 7 (3) The person displays the electronic poll book with a notice that:
 8 (A) is at least 16 point type size;
 9 (B) is posted on the surface of the electronic poll book; and
 10 (C) states that the electronic poll book is "Not Approved for
 11 Use in Indiana".
 12 (4) The person ensures that each communication concerning the
 13 electronic poll book that is available or made at a conference
 14 referred to in subdivision (1) includes a statement that the
 15 electronic poll book is "Not Approved for Use in Indiana". A
 16 printed communication must include the statement in a type size
 17 that is at least as large as the largest type size used in the
 18 communication.

19 SECTION 32. IC 3-11.5-4-5, AS AMENDED BY P.L.109-2021,
 20 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2023]: Sec. 5. (a) Upon receipt of the absentee ballot and not
 22 later than election day, the county election board, or the absentee board
 23 members in the office of the circuit court clerk, shall compare the
 24 signature of the voter on the absentee ballot application, or, if there is
 25 no application, with the signature on the electronic poll book, with the
 26 signature on:

- 27 (1) the voter's absentee ballot envelope **or ballot secrecy waiver**
 28 **form;** or
 29 (2) the computerized list, if there is no envelope **or ballot secrecy**
 30 **waiver form.**
 31 (b) If a county election board **unanimously** finds that the signature
 32 on a ballot envelope or transmitted affidavit is genuine, the board shall
 33 enclose immediately the accepted and unopened ballot envelope,
 34 together with the voter's application for the absentee ballot, in a large
 35 or carrier envelope. If the county election board does not unanimously
 36 determine that the signature on a ballot envelope is genuine, the board
 37 shall also write on the ballot envelope described in subsection (c) or the
 38 transmitted affidavit from a voter under IC 3-11-4-6, the words
 39 "SIGNATURE DISPUTED". The board shall enclose in the same
 40 carrier envelope all absentee ballot envelopes and applications for the
 41 same precinct.
 42 (c) The envelope shall be securely sealed and endorsed with the



1 name and official title of the circuit court clerk and the following
 2 words: "This envelope contains an absentee ballot and must be opened
 3 only on election day under IC 3-11.5".

4 SECTION 33. IC 3-11.5-4-6, AS AMENDED BY P.L.108-2021,
 5 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2023]: Sec. 6. (a) Each circuit court clerk shall keep all
 7 accepted ballot envelopes securely sealed in the clerk's office until the
 8 ballot envelopes are opened by absentee ballot counters in accordance
 9 with this chapter.

10 (b) A county election board may scan a voted absentee ballot card
 11 using an optical scan ballot scanner not earlier than seven (7) calendar
 12 days before election day **if the optical scan ballot system permits the**
 13 **retraction of a previously scanned absentee ballot card under this**
 14 **subsection.** However, the county election board

15 ~~(1) may not tabulate the ballots before election day and~~
 16 ~~(2) shall retract if the optical scan ballot card system is unable~~
 17 ~~to tabulate without first retracting~~ a previously scanned
 18 absentee ballot card of a voter who is later found disqualified or
 19 whose ballot may not be counted for any other reason under this
 20 title.

21 SECTION 34. IC 3-11.5-4-11, AS AMENDED BY P.L.109-2021,
 22 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 11. (a) Upon receipt of the absentee ballot and not
 24 later than election day, the county election board shall examine the
 25 signature on the absentee ballot.

26 (b) This subsection applies to a county that has not adopted an order
 27 to use an electronic poll book under IC 3-7-29-6(a)(1) or is a vote
 28 center county under IC 3-11-18.1. Except as provided in subsection (c),
 29 (d), or (e), at any time after the couriers return the certificate under
 30 section 9 of this chapter, absentee ballot counters appointed under
 31 section 22 of this chapter, in the presence of the county election board,
 32 shall, except for a ballot rejected under section 13 of this chapter:

33 (1) open the outer or carrier envelope containing an absentee
 34 ballot envelope and application;
 35 (2) announce the absentee voter's name; and
 36 (3) compare the signature upon the ballot application or, if there
 37 is no application, with the signature on the electronic poll book
 38 with the signature upon the:
 39 (A) voter's absentee ballot envelope; or
 40 (B) if there is no envelope, computerized list.

41 (c) This subsection applies to a county (other than a county
 42 described in subsection (d) or (e)) that:



1 (1) has adopted an order to use an electronic poll book under
 2 IC 3-7-29-6(a)(1); or
 3 (2) is a vote center county under IC 3-11-18.1;
 4 and has not updated the computerized list to reflect absentee ballots
 5 received on election day. ~~Immediately after the electronic poll books~~
 6 ~~used at each polling place or vote center have been updated to indicate~~
 7 ~~that the county received; not later than noon on election day, an~~
 8 ~~absentee ballot from a voter, the absentee ballot counters shall, in a~~
 9 ~~central counting location designated by the county election board,~~
 10 ~~count the absentee ballot votes cast for each candidate for each office~~
 11 ~~and on each public question in the precinct. After the receipt and~~
 12 **processing required under sections 12 and 12.5 of this chapter to**
 13 **process an absentee ballot from a voter and after ensuring that the**
 14 **electronic poll books used in each polling place or vote center have**
 15 **been updated to reflect all absentee ballots received by the county**
 16 **not later than 12:01 a.m. on election day, the absentee ballot**
 17 **counters shall, at any time after 6:00 a.m. on election day, in a**
 18 **central counting location designated by the county election board,**
 19 **count the absentee ballot votes cast for each candidate, for each**
 20 **office, and on each public question.**

21 (d) This subsection applies to a county having a consolidated city,
 22 if the county:

23 (1) has adopted an order to use an electronic poll book under
 24 IC 3-7-29-6(a)(1); or
 25 (2) is a vote center county under IC 3-11-18.1.
 26 After the receipt and processing required under sections 12 and 12.5 of
 27 this chapter to process an absentee ballot from a voter and after
 28 ensuring that the electronic poll books used in each polling place or
 29 vote center have been updated to reflect all absentee ballots received
 30 by the county not later than 12:01 a.m. on election day, the absentee
 31 ballot counters shall, at any time after 6:00 a.m. on election day, in a
 32 central counting location designated by the county election board,
 33 count the absentee ballot votes cast for each candidate, for each office,
 34 and on each public question.

35 (e) This subsection applies to a county other than a county having
 36 a consolidated city, if the county election board has adopted a
 37 resolution by the unanimous vote of the entire membership of the board
 38 to use procedures set forth in this subsection, and the county:

39 (1) has adopted an order to use an electronic poll book under
 40 IC 3-7-29-6(a)(1); or
 41 (2) is a vote center county under IC 3-11-18.1.
 42 After the receipt and processing required under section 12 of this



1 chapter to process an absentee ballot from a voter and after ensuring
 2 that the electronic poll books used in each polling place or vote center
 3 have been updated to reflect all absentee ballots received by the county
 4 not later than 12:01 a.m. on election day, the absentee ballot counters
 5 shall, at any time after 6:00 a.m. on election day, in a central counting
 6 location designated by the county election board, count the absentee
 7 ballot votes cast for each candidate, for each office, and on each public
 8 question.

9 (f) A resolution adopted under subsection (e) may be repealed or
 10 amended only by the unanimous vote of the entire membership of the
 11 county election board.

12 SECTION 35. IC 3-11.5-4-12, AS AMENDED BY P.L.210-2018,
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2023]: Sec. 12. (a) Notwithstanding any provision to the
 15 contrary in this chapter, in a county described by subsection (e) or (f),
 16 the signature review process described in this section may be
 17 conducted at any time after receipt of an absentee ballot by the county
 18 election board.

19 (b) If the absentee ballot counters find under section 11 of this
 20 chapter that:

- 21 (1) the affidavit is properly executed;
- 22 (2) the signatures correspond;
- 23 (3) the absentee voter is a qualified voter of the precinct;
- 24 (4) the absentee voter is registered and is not required to file
 25 additional information with the county voter registration office
 26 under IC 3-7-33-4.5; and
- 27 (5) in case of a primary election, if the absentee voter has not
 28 previously voted, the absentee voter has executed the proper
 29 declaration relative to age and qualifications and the political
 30 party with which the absentee voter intends to affiliate;

31 the absentee ballot counters shall open the envelope containing the
 32 absentee ballots so as not to deface or destroy the affidavit and take out
 33 each ballot enclosed without unfolding or permitting a ballot to be
 34 unfolded or examined.

35 (c) If the absentee ballot counters find under subsection (b) that the
 36 voter has not filed the additional information required to be filed with
 37 the county voter registration office under IC 3-7-33-4.5, but that all of
 38 the other findings listed under subsection (b) apply, the absentee ballot
 39 shall be processed as a provisional ballot under IC 3-11.7.

40 (d) The absentee ballot counters shall then deposit the ballots in a
 41 secure envelope with the name of the precinct set forth on the outside
 42 of the envelope. After the absentee ballot counters or the county



1 election board has made the findings described in subsection (b) or
 2 section 13 of this chapter for all absentee ballots of the precinct, the
 3 absentee ballot counters shall remove all the ballots deposited in the
 4 envelope under this section for counting under IC 3-11.5-5 or
 5 IC 3-11.5-6.

6 (e) This subsection applies to a county having a consolidated city.
 7 For an absentee ballot cast in person by a voter under IC 3-11-10-25,
 8 IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may,
 9 but are not required to, make the findings required under subsection
 10 (b)(2) or (b)(3). ~~of this section.~~

11 (f) This subsection applies to a county:

12 (1) that does not have a consolidated city; and

13 (2) when the county election board has adopted a resolution by
 14 the unanimous vote of its entire membership to use the procedures
 15 set forth in this subsection.

16 For an absentee ballot cast in person by a voter under IC 3-11-10-25,
 17 IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may,
 18 but are not required to, make the findings required under subsection
 19 (b)(2) or (b)(3). ~~of this section.~~

20 (g) A resolution adopted under subsection (f) may be repealed or
 21 amended only by the unanimous vote of the entire membership of the
 22 county election board.

23 **(h) The county election board shall notify the absentee ballot**
 24 **counters of the receipt of the absentee ballots to the absentee ballot**
 25 **counters for consideration.**

26 SECTION 36. IC 3-11.5-4-13.6, AS ADDED BY P.L.109-2021,
 27 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 13.6. (a) This section applies to an absentee ballot
 29 where there is a finding that the voter's signature on the absentee ballot
 30 security envelope affidavit is missing and therefore does not
 31 correspond to the signature on the voter's absentee ballot application or
 32 electronic poll book.

33 (b) Section 13.5(c), 13.5(d), and 13.5(f) of this chapter apply to this
 34 section.

35 (c) The county election board or board of elections and registration
 36 shall not reject an absentee ballot with a missing security envelope
 37 signature if either of the following conditions is satisfied and the
 38 county election board or board of elections and registration determines
 39 that the unsigned absentee ballot affidavit is truthful and otherwise in
 40 compliance with this section:

41 (1) The voter delivers:

42 (A) in person;



- 1 (B) by mail;
 2 (C) by facsimile; or
 3 (D) by electronic mail;
 4 an affidavit of unsigned ballot that is signed by the voter, and the
 5 county election board or board of elections and registration
 6 receives the affidavit not later than noon eight (8) days after
 7 election day.
- 8 (2) Before the close of the polls on election day, the voter
 9 completes and files an affidavit of unsigned ballot with the
 10 inspector or other chief election official of the precinct or vote
 11 center within the county. The inspector or vote center official
 12 shall forward the affidavit of unsigned ballot to the county
 13 election board or board of elections and registration with the other
 14 materials from the precinct.
- 15 (d) Upon receipt of the affidavit of unsigned ballot, the county
 16 election board or county board of elections and registration shall open
 17 the provisional ballot envelope to access the voter's absentee ballot
 18 security envelope to:
- 19 (1) compare the signature on the affidavit of unsigned ballot with
 20 the most recent signature on the voter's registration record in the
 21 statewide voter registration system, or the signature on the
 22 absentee ballot application; or
 23 (2) if the ballot is for a military or overseas voter who transmitted
 24 the ballot by facsimile or electronic mail, compare the affidavit
 25 found under IC 3-11-4-6(h) and, if applicable, the signature found
 26 in the voter's registration record or the signature on the absentee
 27 ballot application.
- 28 (e) If:
- 29 (1) upon conducting the comparison of the signatures, the board
 30 determines that the signatures match and there are no other
 31 challenges that have been made to the ballot, the board shall open
 32 the absentee ballot security envelope and add the votes cast on the
 33 ballot to the tally for the voter's precinct; **or**
 34 **(2) an absentee ballot signature mismatch has occurred, the**
 35 **county election board or board of elections and registration**
 36 **shall send a notice produced from the computerized system**
 37 **established by IC 3-7-26.3 to the voter of the determination of**
 38 **the absentee voter board, absentee ballot counters, county**
 39 **election board, or board of elections and registration that an**
 40 **absentee ballot signature mismatch has occurred. The county**
 41 **election board shall:**
 42 (A) mail the notice by first class United States mail to the



- 1 registration address of the voter;
- 2 (B) send the notice by electronic mail to the voter if an
- 3 electronic mail address for the voter is available; and
- 4 (C) call the voter by telephone to provide notice of the
- 5 signature mismatch determination, if a telephone number
- 6 for the voter is available;
- 7 not later than the close of business two (2) business days after
- 8 the signature mismatch determination by the county occurs.

9 (f) If, upon conducting the comparison of the signatures, the board
 10 determines that the signatures are mismatched, the voter's absentee
 11 ballot security envelope shall not be opened and the ballot may not be
 12 counted. The board shall write "this ballot has been rejected because
 13 of a mismatched signature" on the face of the security envelope. The
 14 provisional ballot envelope must be resealed and the status of the
 15 rejected ballot must be set forth under the "County Election Board
 16 Findings" on the affidavit.

17 (g) The affidavit of unsigned ballot shall be prescribed by the
 18 election division under IC 3-5-4-8, shall be produced from the
 19 computerized list established under IC 3-7-26.3, must be in
 20 substantially the following form, and may be included on the same
 21 page as the notice and instructions:

22 AFFIDAVIT OF UNSIGNED BALLOT

23 I, [voter's name], am a registered voter of [voter's county of
 24 residence] County, State of Indiana. I declare under the penalties
 25 of perjury that I requested and returned an absentee ballot. I am
 26 a resident of the precinct in which I have voted (or I am entitled
 27 to vote in this precinct under Indiana law), and I am the person
 28 whose name appears on the absentee ballot envelope. I understand
 29 that if I commit or attempt any fraud in connection with voting, or
 30 if I aid or abet fraud or attempt to aid or abet fraud in connection
 31 with voting, I may be convicted of a felony punishable by
 32 imprisonment, a fine, or both. I understand that my failure to sign
 33 this statement means that my absentee ballot will not be counted.

34 _____
 35 Voter's Signature

36 _____
 37 Voter's Printed Name

38 _____
 39 Voter's Registration Address

40 The computerized list shall preprint the name of the voter in the
 41 appropriate parts of the affidavit.

42 (h) The following instructions, prescribed by the election division



1 under IC 3-5-4-8 and produced from the computerized list established
 2 under IC 3-7-26.3, shall accompany the affidavit of unsigned ballot in
 3 substantially the following form:

4 NOTICE FROM COUNTY ELECTION BOARD
 5 REGARDING AN AFFIDAVIT OF UNSIGNED BALLOT FOR
 6 ABSENTEE BALLOT

7 Read these instructions carefully before completing the statement.
 8 Failure to follow these instructions may cause your ballot to not
 9 be counted.

10 (1) We have determined that your signature is missing on your
 11 absentee ballot security envelope. To ensure that your absentee
 12 ballot will be counted, you must complete and return an
 13 affidavit of unsigned ballot.

14 (2) Your affidavit of unsigned ballot must be received by the
 15 county election board or board of elections and registration not
 16 later than noon, local prevailing time, eight (8) days after the
 17 election, with the statement specifying the day on which the
 18 eighth day after the election will fall.

19 (3) You must sign your name where specified on the affidavit
 20 of unsigned ballot.

21 (4) Place the affidavit of unsigned ballot into a mailing
 22 envelope addressed to your county election official. Mail, hand
 23 deliver, or have your completed affidavit delivered to the
 24 board. Be sure to include sufficient postage if mailed, and
 25 include the address of the county election board provided
 26 below.

27 (5) If you do not wish to send your affidavit of unsigned ballot
 28 by mail or have it hand delivered, you may submit your
 29 completed affidavit by electronic mail or facsimile
 30 transmission to the county election board using the following
 31 information provided by your county [insert county electronic
 32 mail address and facsimile number].

33 (6) Include your name on the affidavit.

34 (i) A ballot may not be removed from the security envelope until the
 35 time for processing the ballot.

36 (j) Except where clearly inapplicable under IC 3-11.7, an unsigned
 37 absentee ballot security envelope is to be treated as a provisional ballot
 38 and is subject to the same confidentiality restrictions under
 39 IC 3-11.7-6-3. The affidavit of unsigned ballot and the signature
 40 verification statement executed by the voter are confidential under
 41 IC 3-11.7-6-3.

42 SECTION 37. IC 3-12-1-18, AS ADDED BY P.L.66-2010,



1 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2023]: Sec. 18. (a) This section applies to a federal write-in
3 absentee ballot cast in a primary election as provided in
4 IC 3-11-4-12.5(b)(1) by an absent uniformed services voter or overseas
5 voter.

6 (b) If a voter does any of the following, the voter's vote is void:

7 (1) The voter votes for more than one (1) candidate, and the
8 candidates are not on the official primary ballot of the same
9 political party.

10 (2) The voter votes for a candidate who is not on the official
11 primary ballot of any political party.

12 (3) The voter votes for a candidate who is on the official primary
13 ballot of a political party, but the voter does not indicate the office
14 for which the candidate seeks to be nominated.

15 (c) If the voter votes for a political party, but the voter does not vote
16 for any individual candidates who are on that political party's official
17 primary ballot, the voter's vote is void.

18 **(d) If there is a discrepancy between political party primary**
19 **ballot choice between the federal write-in absentee ballot described**
20 **in subsection (a) and the federal post card application, the federal**
21 **post card application supersedes the federal write-in absentee**
22 **ballot.**

23 SECTION 38. IC 3-12-3-2.2, AS ADDED BY P.L.193-2021,
24 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2023]: Sec. 2.2. (a) This section does not apply to an
26 electronic poll book or voting system subject to an impoundment order
27 issued by a court or a recount commission until the impoundment order
28 is rescinded.

29 (b) This subsection applies to an electronic poll book. The inspector
30 and judge of the opposite political party shall immediately deliver all
31 electronic poll books from a precinct polling location or vote center to
32 the county election board with the other election material under section
33 2(b) of this chapter. The county election board shall secure the
34 electronic poll books in accordance with the requirements of
35 IC 3-11-15-46.

36 (c) This subsection applies to a voting system. At any time after the
37 polls close on election day:

38 (1) the county election board;

39 (2) teams consisting of at least two (2) individuals that:

40 (A) are designated by the county election board;

41 (B) are affiliated with a political party entitled to nominate an
42 individual to serve as an appointed member of the county



- 1 election board; and
 2 (C) have at least two (2) individuals on the team who are not
 3 members of the same political party; or
 4 (3) a commercial delivery entity operating under a contract with
 5 the county election board;
 6 shall return all voting systems from the polls for the precinct or from
 7 the vote centers to a storage facility to be secured under IC 3-11-15-46.
 8 (d) The county election board may not:
 9 (1) designate any individual to serve on a team if the individual
 10 is:
 11 (A) imprisoned;
 12 (B) subject to lawful detention;
 13 (C) on probation;
 14 (D) on parole;
 15 (E) subject to home detention; or
 16 (F) placed in a community corrections program; or
 17 (2) permit a commercial delivery entity to allow any individual
 18 who is:
 19 (A) imprisoned;
 20 (B) subject to lawful detention;
 21 (C) on probation;
 22 (D) on parole;
 23 (E) subject to home detention; or
 24 (F) placed in a community corrections program;
 25 to have access to or return a voting system.
 26 (e) If a county election board uses the teams or a commercial
 27 delivery entity described in subsection (c), the board shall require that:
 28 (1) two (2) members of each team who are not members of the
 29 same political party; or
 30 (2) the commercial delivery entity;
 31 execute a certificate setting forth the information set forth in subsection
 32 (f).
 33 (f) The certificate required in subsection (e) must be signed by the
 34 two (2) members of each team described in subsection (c) or by an
 35 individual authorized to act on behalf of the commercial delivery entity
 36 described in subsection (c). The certificate must include the following:
 37 (1) That the voting systems remained in the custody and control
 38 of each individual during the period beginning when the voting
 39 systems were received ~~from the county election board~~ **at the polls**
 40 and ending when the voting systems were returned to the location
 41 designated for securing voting systems under IC 3-11-15-46.
 42 (2) That no individual other than a team member or an individual



- 1 acting on behalf of the commercial delivery entity had access to
 2 any voting system.
- 3 (3) That an individual documented receipt of the voting system at
 4 the location when the system was returned.
- 5 (4) The:
- 6 (A) written name and signature of the individual; and
 7 (B) date that the voting system was delivered to the custody of
 8 that individual.
- 9 (g) Immediately upon any return of a voting system, the completed
 10 certificate must be filed with the county election board.
- 11 SECTION 39. IC 3-12-3.5-4.5, AS ADDED BY P.L.193-2021,
 12 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2023]: Sec. 4.5. (a) This section does not apply to an
 14 electronic poll book or voting system subject to an impoundment order
 15 issued by a court or a recount commission until the impoundment order
 16 is rescinded.
- 17 (b) This subsection applies to an electronic poll book. The inspector
 18 and judge of the opposite political party shall immediately deliver all
 19 electronic poll books from a precinct polling location or vote center to
 20 the county election board with the other election material described in
 21 IC 3-12-3-2(b). The county election board shall secure the electronic
 22 poll books in accordance with the requirements of IC 3-11-15-46.
- 23 (c) This subsection applies to a voting system. At any time after the
 24 polls close on election day:
- 25 (1) the county election board;
- 26 (2) teams consisting of at least two (2) individuals that:
- 27 (A) are designated by the county election board;
- 28 (B) are affiliated with a political party entitled to nominate an
 29 individual to serve as an appointed member of the county
 30 election board; and
- 31 (C) have at least two (2) individuals on the team who are not
 32 members of the same political party; or
- 33 (3) a commercial delivery entity operating under a contract with
 34 the county election board;
- 35 shall return all voting systems from the polls for the precinct or from
 36 the vote centers to a storage facility to be secured under IC 3-11-15-46.
- 37 (d) The county election board may not:
- 38 (1) designate any individual to serve on a team if the individual
 39 is:
- 40 (A) imprisoned;
- 41 (B) subject to lawful detention;
- 42 (C) on probation;



1 (D) on parole;
 2 (E) subject to home detention; or
 3 (F) placed in a community corrections program; or
 4 (2) permit a commercial delivery entity to allow any individual
 5 who is:
 6 (A) imprisoned;
 7 (B) subject to lawful detention;
 8 (C) on probation;
 9 (D) on parole;
 10 (E) subject to home detention; or
 11 (F) placed in a community corrections program;
 12 to have access to or return a voting system.
 13 (e) If a county election board uses the teams or a commercial
 14 delivery entity described in subsection (c), the board shall require that:
 15 (1) two (2) members of each team who are not members of the
 16 same political party; or
 17 (2) the commercial delivery entity;
 18 execute a certificate setting forth the information set forth in subsection
 19 (f).
 20 (f) The certificate required in subsection (e) must be signed by the
 21 two (2) members of each team described in subsection (c) or by an
 22 individual authorized to act on behalf of the commercial delivery entity
 23 described in subsection (c). The certificate must include the following:
 24 (1) That the voting systems remained in the custody and control
 25 of each individual during the period beginning when the voting
 26 systems were received ~~from the county election board at the polls~~
 27 and ending when the voting systems were returned to the location
 28 designated for securing voting systems under IC 3-11-15-46.
 29 (2) That no individual other than a team member or an individual
 30 acting on behalf of the commercial delivery entity had access to
 31 any voting system.
 32 (3) That an individual documented receipt of the voting system at
 33 the location when the system was returned.
 34 (4) The:
 35 (A) written name and signature of the individual; and
 36 (B) date that the voting system was delivered to the custody of
 37 that individual.
 38 (g) Immediately upon any return of a voting system, the completed
 39 certificate must be filed with the county election board.
 40 SECTION 40. IC 3-12-13-7, AS AMENDED BY P.L.115-2022,
 41 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2023]: Sec. 7. (a) The secretary of state shall issue orders to



- 1 implement and administer the requirements of this chapter.
- 2 (b) In issuing an order under subsection (a), the secretary of state
3 shall:
- 4 (1) consult with recognized statistical experts, equipment vendors,
5 the election division, and county election officials; and
6 (2) consider best practices for conducting post-election audits.
- 7 **(c) A post-election audit shall be completed not later than:**
8 **(1) the final Friday in June following a primary election; or**
9 **(2) December 20 following a general election.**
- 10 SECTION 41. IC 3-13-10-2, AS AMENDED BY P.L.278-2019,
11 SECTION 160, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) A vacancy in the office of
13 township trustee:
- 14 (1) not covered by section 1 of this chapter; or
15 (2) covered by section 1 of this chapter, but not filled by a major
16 political party by the applicable deadline set forth in
17 IC 3-13-11-3;
- 18 shall be filled by the board of commissioners of the county at a regular
19 or special meeting.
- 20 (b) The county auditor shall give notice of the meeting.
- 21 (c) The meeting shall be held not later than thirty (30) days after:
22 (1) the vacancy occurs, if the vacancy is not covered by section 1
23 of this chapter; or
24 (2) the applicable deadline for a major political party to fill the
25 vacancy as set forth in IC 3-13-11-3.
- 26 (d) The notice must:
27 (1) be in writing;
28 (2) state the purpose of the meeting;
29 (3) state the date, time, and place of the meeting; and
30 (4) be sent by first class mail to each commissioner at least ten
31 (10) days before the meeting.
- 32 (e) If the vacancy:
33 (1) is not covered by section 1 of this chapter; and
34 (2) exists because of the death of the township trustee;
35 the meeting required by subsection (c) shall be held not later than thirty
36 (30) days after the county ~~auditor~~ **circuit court clerk** receives notice
37 of the death under IC 5-8-6. The county auditor may not give the notice
38 required by subsection (b) until the county ~~auditor~~ **circuit court clerk**
39 receives notice of the death under IC 5-8-6.
- 40 (f) If the vacancy:
41 (1) is covered by section 1 of this chapter;
42 (2) exists because of the death of the township trustee; and



1 (3) exists for more than thirty (30) days;
 2 the meeting required under subsection (c) shall be held not later than
 3 sixty (60) days after the county **auditor circuit court clerk** receives
 4 notice of the death under IC 5-8-6. The county auditor may not give the
 5 notice required by subsection (b) until the county **auditor circuit court**
 6 **clerk** receives notice of the death under IC 5-8-6.

7 SECTION 42. IC 3-13-10-4, AS AMENDED BY P.L.278-2019,
 8 SECTION 161, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) A vacancy on the township
 10 board of a township:

11 (1) not covered by section 1 of this chapter; or

12 (2) covered by section 1 of this chapter, but not filled by a major
 13 political party by the applicable deadline set forth in
 14 IC 3-13-11-3;

15 shall be filled by the board of commissioners of the county at a regular
 16 or special meeting.

17 (b) The county auditor shall give notice of the meeting.

18 (c) Except as provided in subsections (e) and (f), the meeting shall
 19 be held not later than thirty (30) days after:

20 (1) the vacancy occurs, if the vacancy is not covered by section 1
 21 of this chapter; or

22 (2) the applicable deadline for a major political party to fill the
 23 vacancy as set forth in IC 3-13-11-3.

24 (d) The notice must:

25 (1) be in writing;

26 (2) state the purpose of the meeting;

27 (3) state the date, time, and place of the meeting; and

28 (4) be sent by first class mail to each commissioner at least ten
 29 (10) days before the meeting.

30 (e) If a vacancy:

31 (1) is not covered by section 1 of this chapter; and

32 (2) exists because of the death of a township board member;

33 the meeting required by subsection (c) shall be held not later than thirty
 34 (30) days after the county **auditor circuit court clerk** receives notice
 35 of the death under IC 5-8-6. The county auditor may not give the notice
 36 required under subsection (b) until the county **auditor circuit court**
 37 **clerk** receives notice of the death under IC 5-8-6.

38 (f) If a vacancy:

39 (1) is covered by section 1 of this chapter;

40 (2) exists because of the death of a township board member; and

41 (3) exists for more than thirty (30) days;

42 the meeting required by subsection (c) shall be held not later than sixty



1 (60) days after the county ~~auditor~~ **circuit court clerk** receives notice
 2 of the death under IC 5-8-6. The county auditor may not give the notice
 3 required by subsection (b) until the county ~~auditor~~ **circuit court clerk**
 4 receives notice of the death under IC 5-8-6.

5 SECTION 43. IC 3-13-11-12 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) This section
 7 does not apply to the office of a judge **or a member of a fiscal or**
 8 **legislative body.**

9 (b) Subject to sections 13 through 17 of this chapter, the chief
 10 deputy employee of the office that is vacant assumes the duties of that
 11 office for the period of time between when a vacancy occurs and when
 12 the office is filled under this chapter in a circuit, county, city, town, or
 13 township office.

14 SECTION 44. IC 3-14-5-2, AS AMENDED BY P.L.157-2019,
 15 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2023]: Sec. 2. (a) Each precinct election board shall, at the
 17 close of the polls, place ~~any affidavit prescribed by IC 3-6-6-12 for use~~
 18 ~~on election day to determine the eligibility of a precinct election officer~~
 19 ~~and~~ any affidavit prescribed by IC 3-10-1-9 to challenge the party
 20 affiliation of a person wishing to cast a ballot in a primary election in
 21 a strong paper bag or envelope and securely seal it. Each member shall
 22 endorse that member's name on the back of the bag or envelope.

23 (b) Each precinct election board shall, at the close of the polls, place
 24 any affidavit other than an affidavit described in subsection (a) that is
 25 challenging the eligibility of a person who has offered to vote at a
 26 primary election in a strong paper bag or envelope and securely seal it.
 27 Each member shall endorse that member's name on the back of the bag
 28 or envelope.

29 (c) The inspector and judge of the opposite political party shall
 30 deliver the sealed bags or envelopes to the county election board. The
 31 county election board shall do the following:

- 32 (1) Remove the affidavits from the bag or envelope.
- 33 (2) Mail a copy of each affidavit to the secretary of state.
- 34 (3) Replace the affidavits within the bag or envelope.
- 35 (4) Reseal the bag or envelope with the endorsement of the name
 36 of each county election board member on the back of the bag or
 37 envelope.
- 38 (5) Carefully preserve the resealed bag or envelope and deliver it,
 39 with the county election board's seal unbroken, to the foreman of
 40 the grand jury when next in session.

41 (d) The grand jury shall inquire into the truth or falsity of the
 42 affidavits, and the court having jurisdiction over the grand jury shall



1 specially charge the jury as to its duties under this section.

2 (e) The grand jury shall file a report of the result of its inquiry with:

3 (1) the court; and

4 (2) the NVRA official if a violation of NVRA appears to have
5 occurred.

6 (f) The prosecuting attorney shall preserve the affidavits and
7 envelopes in accordance with IC 3-10-1-31.1, and shall return the
8 affidavits and envelopes to the circuit court clerk after the prosecuting
9 attorney has completed any proceeding resulting from the investigation
10 of the affidavits and envelopes.

11 SECTION 45. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) As used in this section,
13 "political subdivision" has the meaning set forth in IC 36-1-2-13.

14 (b) The copy of the oath under section 2 of this chapter shall be
15 deposited by the person as follows:

16 (1) Of all officers whose oath is endorsed on or attached to the
17 commission and whose duties are not limited to a particular
18 county or of a justice, judge, or prosecuting attorney, in the office
19 of the secretary of state.

20 (2) Of the circuit court clerk, officers of a political subdivision or
21 school corporation, and constables of a small claims court, in the
22 circuit court clerk's office of the county containing the greatest
23 percentage of the population of the political subdivision or school
24 corporation.

25 (3) Of a deputy prosecuting attorney **or magistrate**, in the office
26 of the clerk of the circuit court of the county in which the deputy
27 prosecuting attorney **or magistrate** resides or serves.

28 SECTION 46. IC 5-8-6-3, AS AMENDED BY P.L.278-2019,
29 SECTION 165, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) A person who knows of the
31 death of an officeholder may certify the death to the following:

32 (1) The governor, in the case of the death of any of the following:

33 (A) An individual who holds a state office (as defined in
34 IC 3-5-2-48).

35 (B) An individual who is a judge of a circuit, superior, small
36 claims, probate, or city court.

37 (2) The secretary of state, in the case of the death of an individual
38 who holds a legislative office (as defined in IC-3-5-2-28).

39 (3) The ~~prosecuting attorney~~ and circuit court clerk of the county
40 in which the officeholder resided, in the case of the death of an
41 officeholder of a county, city, town, township, or school
42 corporation not covered under subdivision (1).



1 (b) A person who certifies the death of an officeholder shall:

2 (1) state the information that causes the person to believe the
3 officeholder has died; and

4 (2) certify, under the penalties for perjury, that to the best of the
5 person's knowledge and belief, the information stated is true.

6 SECTION 47. IC 20-46-1-14, AS AMENDED BY P.L.278-2019,
7 SECTION 175, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) The referendum shall be
9 held in the next primary election, general election, or municipal
10 election in which all the registered voters who are residents of the
11 appellant school corporation are entitled to vote after certification of
12 the question under IC 3-10-9-3. The certification of the question must
13 occur not later than noon:

14 (1) seventy-four (74) days before a primary election if the
15 question is to be placed on the primary or municipal primary
16 election ballot; or

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

19 (b) However, if a primary election, general election, or municipal
20 election will not be held during the first year in which the public
21 question is eligible to be placed on the ballot under this chapter and if
22 the appellant school corporation requests the public question to be
23 placed on the ballot at a special election, the public question shall be
24 placed on the ballot at a special election to be held on the first Tuesday
25 after the first Monday in May or November of the year. The
26 certification must occur not later than noon:

27 (1) ~~sixty (60)~~ **seventy-four (74)** days before a special election to
28 be held in May (if the special election is to be held in May); or

29 (2) on August 1 (if the special election is to be held in
30 November).

31 (c) If the referendum is not conducted at a primary election, general
32 election, or municipal election, the appellant school corporation in
33 which the referendum is to be held shall pay all the costs of holding the
34 referendum.

35 SECTION 48. IC 20-46-9-14, AS AMENDED BY P.L.109-2021,
36 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2023]: Sec. 14. (a) The referendum shall be held in the next
38 primary election, general election, or municipal election in which all
39 the registered voters who are residents of the school corporation are
40 entitled to vote after certification of the question under IC 3-10-9-3.
41 The certification of the question must occur not later than noon:

42 (1) seventy-four (74) days before a primary election if the



- 1 question is to be placed on the primary or municipal primary
 2 election ballot; or
 3 (2) August 1 if the question is to be placed on the general or
 4 municipal election ballot.
- 5 (b) However, if a primary election, general election, or municipal
 6 election will not be held during the first year in which the public
 7 question is eligible to be placed on the ballot under this chapter and if
 8 the school corporation requests the public question to be placed on the
 9 ballot at a special election, the public question shall be placed on the
 10 ballot at a special election to be held on the first Tuesday after the first
 11 Monday in May or November of the year. The certification must occur
 12 not later than noon:
- 13 (1) ~~sixty (60)~~ **seventy-four (74)** days before a special election to
 14 be held in May (if the special election is to be held in May); or
 15 (2) August 1 (if the special election is to be held in November).
- 16 (c) If the referendum is not conducted at a primary election, general
 17 election, or municipal election, the school corporation in which the
 18 referendum is to be held shall pay all the costs of holding the
 19 referendum.
- 20 SECTION 49. IC 29-1-8-12 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2023]: **Sec. 12. A personal representative of a decedent who was**
 23 **a treasurer or candidate for office may disband the committee**
 24 **associated with the decedent's office or campaign.**
- 25 SECTION 50. IC 36-2-3-4, AS AMENDED BY P.L.105-2022,
 26 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2023]: Sec. 4. (a) This subsection does not apply to the
 28 following counties:
- 29 (1) A county having a population of more than four hundred
 30 thousand (400,000) and less than seven hundred thousand
 31 (700,000).
 32 (2) A county having a population of more than two hundred fifty
 33 thousand (250,000) and less than three hundred thousand
 34 (300,000).
- 35 The county executive shall, by ordinance, divide the county into four
 36 (4) ~~contiguous~~, single-member districts that comply with subsection
 37 (d). If necessary, the county auditor shall call a special meeting of the
 38 executive to establish or revise districts. One (1) member of the fiscal
 39 body shall be elected by the voters of each of the four (4) districts.
 40 Three (3) at-large members of the fiscal body shall be elected by the
 41 voters of the whole county.
- 42 (b) This subsection applies to a county having a population of more



1 than four hundred thousand (400,000) and less than seven hundred
 2 thousand (700,000). The county redistricting commission established
 3 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 4 districts that comply with subsection (d). One (1) member of the fiscal
 5 body shall be elected by the voters of each of these seven (7)
 6 single-member districts.

7 (c) This subsection applies to a county having a population of more
 8 than two hundred fifty thousand (250,000) and less than three hundred
 9 thousand (300,000). The fiscal body shall divide the county into nine
 10 (9) single-member districts that comply with subsection (d). Three (3)
 11 of these districts must be contained within each of the three (3) districts
 12 established under IC 36-2-2-4(c). One (1) member of the fiscal body
 13 shall be elected by the voters of each of these nine (9) single-member
 14 districts.

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

- 17 (1) be compact **and be composed of contiguous territory**,
 18 subject only to natural boundary lines (such as railroads, major
 19 highways, rivers, creeks, parks, and major industrial complexes);
- 20 (2) not cross precinct boundary lines;
- 21 (3) contain, as nearly as possible, equal population; and
- 22 (4) include whole townships, except when a division is clearly
 23 necessary to accomplish redistricting under this section.

24 (e) Except as provided by subsection (f), a division under subsection
 25 (a), (b), or (c) shall be made only at times permitted under IC 3-5-10.

26 (f) If the county executive, county redistricting commission, or
 27 county fiscal body determines that a division under subsection (e) is not
 28 required, the county executive, county redistricting commission, or
 29 county fiscal body shall adopt an ordinance recertifying that the
 30 districts as drawn comply with this section.

31 (g) Each time there is a division under subsection (e) or a
 32 recertification under subsection (f), the county executive, county
 33 redistricting commission, or county fiscal body shall file with the
 34 circuit court clerk of the county, not later than thirty (30) days after the
 35 division or recertification occurs, a map of the district boundaries:

- 36 (1) adopted under subsection (e); or
- 37 (2) recertified under subsection (f).

38 (h) The limitations set forth in this section are part of the ordinance,
 39 but do not have to be specifically set forth in the ordinance. The
 40 ordinance must be construed, if possible, to comply with this chapter.
 41 If a provision of the ordinance or an application of the ordinance
 42 violates this chapter, the invalidity does not affect the other provisions



1 or applications of the ordinance that can be given effect without the
 2 invalid provision or application. The provisions of the ordinance are
 3 severable.

4 (i) IC 3-5-10 applies to a plan established under this section.

5 SECTION 51. IC 36-6-6-2.3, AS AMENDED BY P.L.278-2019,
 6 SECTION 192, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2023]: Sec. 2.3. (a) This section does not apply
 8 to a township board in a county containing a consolidated city.

9 (b) During the year preceding a general election for the members of
 10 the township board conducted under section 2 of this chapter, a
 11 township board may adopt a resolution under this section to provide for
 12 the staggering of the terms of its members.

13 (c) The resolution described in subsection (b) must provide all the
 14 following:

15 (1) That, notwithstanding section 2 of this chapter, the terms of
 16 the board members elected at the next general election must be as
 17 follows:

18 (A) The candidate who receives the greatest number of votes
 19 among all the candidates at the election shall serve a four (4)
 20 year term, beginning on January 1 after the next general
 21 election.

22 (B) The candidate who receives the second greatest number of
 23 votes among all the candidates at the election shall serve a two
 24 (2) year term, beginning on January 1 after the next general
 25 election.

26 (C) The candidate who receives the third greatest number of
 27 votes among all the candidates at the election shall serve a two
 28 (2) year term, beginning on January 1 after the next general
 29 election.

30 (2) That the term of office of each board member elected after the
 31 first election after adoption of the resolution is four (4) years,
 32 beginning January 1 after each board member's general election.

33 (d) If a township board adopts a resolution under this section,
 34 election of the board members must occur at the elections as provided
 35 in the resolution.

36 (e) If fewer candidates are elected than the number of board
 37 members to be elected, the incumbent board member or members that
 38 hold office under Article 15, Section 3 of the Constitution of the State
 39 of Indiana shall be determined under IC 3-13-10-6.5 by the county
 40 executive. The county executive shall determine the length of the term
 41 of each incumbent board member if more than one (1) incumbent board
 42 member continues to hold office under Article 15, Section 3 of the



1 Constitution of the State of Indiana. The county executive shall
2 consider any applicable language in the resolution adopted by the
3 township in making this determination.

4 (f) If a tie occurs among the candidates for an office elected under
5 subsection (c), the tie is resolved under IC 3-12-9-4. The authority
6 resolving the tie determines the length of the term in accordance with
7 subsection (c) for a person selected to fill an office under this
8 subsection.

9 (g) A township board may repeal a resolution adopted under
10 subsection (b) subject to the following:

11 (1) The resolution may not be repealed earlier than twelve (12)
12 years after the resolution was adopted.

13 (2) The resolution may be repealed only in a year in which an
14 election for members of the township board is not held.

15 (3) The resolution must provide for the election of all members of
16 the township board at the next general election. Notwithstanding
17 subsection (c)(2) and section 2 of this chapter, the term of all the
18 members of the township board ends January 1 after the next
19 general election.

20 (4) The term of office of the members elected at the next general
21 election is four (4) years, beginning January 1 after that general
22 election.

23 (h) A resolution described in subsection (b) or a resolution repealing
24 a resolution previously adopted under subsection (b):

25 (1) must be filed with the circuit court clerk before January 1 of
26 a year in which an election of board members is scheduled to be
27 held; and

28 (2) takes effect when the ~~ordinance~~ **resolution** is filed with the
29 circuit court clerk.

