

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1336

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-5.9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 5.9. "Candidacy document" refers to any of the following:**

- (1) A declaration of intent to be a write-in candidate.**
- (2) A declaration of candidacy.**
- (3) A consent to the nomination.**
- (4) A consent to become a candidate.**
- (5) A certificate of candidate selection.**
- (6) A consent filed under IC 3-13-2-7.**
- (7) A statement filed under IC 33-24-2, IC 33-25-2, IC 33-33-45-42, IC 33-33-49-13.3, or IC 33-33-71-43.**

SECTION 2. IC 3-5-2-26.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 26.1. "Former candidate" refers to an individual who was a candidate for an election and satisfies any of the following:**

- (1) The individual has died before the election, including a candidate certified as deceased under IC 3-8-7-1.**
- (2) The individual has withdrawn as a candidate before the election.**
- (3) The individual has been disqualified as a candidate under**

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IC 3-8-1-5.

(4) The individual has been disqualified as a candidate under a court order issued under IC 3-8-7-29(d).

SECTION 3. IC 3-5-2-49.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 49.3. "Uniformed services" means **any of the following:**

- (1) The Army.
- (2) **The Navy.**
- (3) **The Air Force.**
- (4) **The Marine Corps. and**
- (5) **The Coast Guard.**
- (6) **The Space Force.**
- (7) The commissioned corps of the Public Health Service. ~~and~~
- (8) The commissioned corps of the National Oceanic and Atmospheric Administration.

SECTION 4. IC 3-5-4-1.7, AS AMENDED BY P.L.257-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.7. (a) Except as otherwise expressly authorized or required under this title, a filing by a person with a commission, the election division, an election board, or a county voter registration office may not be made by fax or electronic mail.

(b) A petition of nomination filed with a county voter registration office under IC 3-8-2, IC 3-8-2.5, IC 3-8-3, or IC 3-8-6 or a petition to place a public question on the ballot, or any other petition filed that requires the county voter registration office to certify the validity of signatures, may not contain the electronic signature, **including a signature described in IC 26-2-8-106**, digital signature, digitized signature, or photocopied signature of a voter.

(c) An electronic signature, digital signature, digitized signature, or photocopied signature of a candidate, campaign finance committee chairman, or campaign finance committee treasurer may be used for campaign finance statements and reports filed under IC 3-9.

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

~~(a)~~ **(b)** Except as provided in subsection ~~(e)~~, **(f)**, but notwithstanding any other statute, whenever the election division acts under IC 3-6-4.2-12 to approve a uniform election or registration form for use



throughout Indiana or to approve a revision to an existing form, a person must use the most recent version of the form approved by the election division to comply with this title after the effective date of the election division's order approving the form.

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

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

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

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

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

~~(e)~~ **(f)** The election division may allow an earlier approved version of the form to be used if the:

- (1) earlier version of the form complies with all other requirements imposed under federal law or this title; and
- (2) election division determines that the existing stock of the form should be exhausted to prevent waste and unnecessary expense.

~~(f)~~ **(g)** This subsection applies to a form that the election division determines is used primarily by the election division. The election division may provide that an order concerning a form described by this subsection is effective immediately upon adoption, without any requirement to distribute the form to other persons.

~~(g)~~ **(h)** A form approved by the commission under this section



before July 1, 2015, is considered to be approved by the election division without any further action by the election division being required.

SECTION 6. IC 3-5-4-9, AS AMENDED BY P.L.109-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) This section applies whenever the individual who holds the office of circuit court clerk is a candidate on the ballot for any office. **This section does not apply if the only office for which the individual is a candidate is a political party office.**

(b) As used in this section, "ballot" refers to an absentee ballot, a ballot card, or any other form of ballot.

(c) Notwithstanding any law requiring the name or signature of the circuit court clerk to appear on a ballot for authentication or any other purpose, the name or signature of the individual who is circuit court clerk may not appear on the ballot except to indicate that the individual is a candidate for an office.

(d) The circuit court clerk shall substitute a uniform device or symbol prescribed by the election division for the circuit court clerk's printed name or signature to authenticate a ballot.

(e) A device or symbol approved by the commission under this section before January 1, 2021, is considered to be approved by the election division without any further action by the election division being required.

SECTION 7. IC 3-5-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) This section does not apply to any of the following:

- (1) A candidate in a presidential primary election under IC 3-8-3.
- (2) A candidate for President of the United States.
- (3) A candidate for Vice President of the United States.

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

- (1) A declaration of intent to be a write-in candidate.
- (2) A declaration of candidacy.
- (3) A consent to the nomination.
- (4) A consent to become a candidate.
- (5) A certificate of candidate selection.
- (6) A consent filed under IC 3-13-2-7.
- (7) A statement filed under IC 33-24-2 or IC 33-25-2.

(c) (b) Whenever a candidate files a candidacy document on which the candidate uses a name that is different from the name set forth on the candidate's voter registration record, the candidate's signature on the candidacy document constitutes a request to the county voter



registration office that the name on the candidate's voter registration record be the same as the name the candidate uses on the candidacy document.

~~(d)~~ (c) A request by a candidate under this section is considered filed with the county voter registration office when the candidacy document is filed with the election division or the county election board.

~~(e)~~ (d) The election division or the county election board shall forward a request filed under this section to the county voter registration office not later than seven (7) days after receiving the request.

SECTION 8. IC 3-5-7-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 6.5. (a) As used in this section, "candidate" includes a nominee.**

(b) The election division shall design all candidacy documents so that the form of the document enables the candidate to insert in a separate field of the document each of the separate designations that a candidate is permitted to use under this chapter.

SECTION 9. IC 3-5-9-5, AS ADDED BY P.L.135-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 5.** Except as provided in section 7 of this chapter, an individual is considered to have resigned as:

(1) a government employee when the individual assumes an elected office of the unit that employs the individual; **or**

(2) an elected official of the unit when the individual becomes a government employee of the unit.

SECTION 10. IC 3-5-10-7, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 7. (a)** Subject to section 8 of this chapter, a redistricting authority shall redistrict election districts ~~according to~~ **at** the following ~~schedule~~: **times:**

(1) If the census event is a federal decennial census, the following:

(A) For a county executive or county fiscal body, only during the first year after the federal decennial census is conducted.

(B) For a school corporation, only during the first year after the federal decennial census is conducted.

(C) For a municipality that conducts its municipal elections in an ~~odd-numbered~~ **odd-numbered** year, only during the second year after the federal decennial census is conducted.



- (D) For a municipality that conducts its municipal elections in:
- (i) an ~~even numbered~~ **even-numbered** year; or
 - (i) **(ii)** both an ~~even numbered~~ **even-numbered** year and an ~~odd numbered~~ **odd-numbered** year;
- only during the first year after the federal decennial census is conducted.

However, a body described in clauses (A) through (D) that has not completed the redistricting on March 1, 2022, has until December 31, 2022, to redistrict the election districts from the 2020 decennial census:

(E) For the legislative body of a township in a county having a consolidated city, only during the first year after the federal decennial census is conducted.

(2) For a census event other than a federal decennial census, only during the first year after the year the census event becomes effective with respect to the political subdivision, as provided in IC 1-1-3.5-3.

(3) Whenever a county adopts an order declaring a county boundary to be changed under IC 36-2-1-2 that affects the boundaries of the political subdivision.

(4) Whenever required to assign annexed territory to a district, subject to the provisions of IC 36-4-3.

(5) Whenever the boundary of the political subdivision is changed.

(6) As provided in the order of a court that has found the current redistricting plan unconstitutional or otherwise unlawful.

(b) A redistricting authority may not redistrict at a time other than is provided in subsection (a).

SECTION 11. IC 3-6-4.2-14, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards, the boards of registration (subject to IC 3-7-12), and the boards of elections and registration (as defined in IC 3-5-2-5.3) to instruct them regarding all of the following:

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



and polling places.

(4) Requirements and best practices to ensure that voting systems, precinct polling places, and vote centers are accessible to voters with disabilities.

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

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

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

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

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

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

(2) If the number of deputies or assistants:

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

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

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

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

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

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

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

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



section:

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section:

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

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

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

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

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

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

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

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

(h) (g) This subsection applies to a meeting conducted on or after January 1, 2022. All payments of mileage and lodging shall be made by the proper disbursing officer in the manner provided by law on a duly



verified claim or voucher to which shall be attached the certificate of the election division showing the number of days attended and the number of miles traveled. All payments shall be made from the county general fund from any money not otherwise appropriated and without any previous appropriation being made therefore.

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

SECTION 12. IC 3-6-4.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. If the election division dismisses a complaint under section 13 of this chapter, the election division shall provide a copy of this determination ~~by certified mail~~ to:

- (1) the person who filed the notice **by first class mail with tracking;**
- (2) the person alleged to have committed the violation **by first class mail with tracking;**
- (3) the members of the commission **by placing the copy on file at the election division;** and
- (4) the attorney general **by electronic mail.**

SECTION 13. IC 3-6-4.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 16. The election division, upon completing the investigation, shall submit the results of the investigation to the commission, which shall then issue a written report. The election division shall provide a copy of the report ~~by certified mail~~ to:

- (1) the person who filed the complaint **by first class mail with tracking;**
- (2) the person alleged to have committed the violation **by first class mail with tracking;**
- (3) the members of the commission **by placing the copy on file at the election division;** and
- (4) the attorney general **by electronic mail.**

SECTION 14. IC 3-6-4.5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 23. The commission shall forward a written summary of any action taken by the commission under section 20 or 21 of this chapter ~~by certified mail~~ to:

- (1) the person who filed the complaint **by first class mail with tracking;**
- (2) the person alleged to have committed the violation **by first class mail with tracking;** and



(3) the attorney general **by electronic mail.**

SECTION 15. IC 3-6-5-35, AS AMENDED BY P.L.278-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 35. (a) An individual who knowingly, recklessly, or negligently fails to perform a duty as:

- (1) a precinct election officer;
- (2) **an absentee voter board member; or**
- (3) **an absentee ballot counter;**

as required by this title is subject to a civil penalty under this section in addition to any other penalty imposed.

(b) If the county election board determines, by unanimous vote of the entire membership of the board, that an individual serving ~~as a precinct election officer~~ **in a position described in subsection (a)** has failed to perform a duty required by this title, the board:

- (1) may remove ~~a precinct election officer; the individual from that position;~~ and
- (2) if the ~~officer~~ **individual** is removed, shall assess the individual a civil penalty of not more than five hundred dollars (\$500).

(c) A civil penalty assessed under this section may be deducted from any compensation that the individual may otherwise be entitled to under IC 3-6-6.

SECTION 16. IC 3-6-5.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. If the circuit court clerk dismisses a complaint under section 13 of this chapter, the circuit court clerk shall provide a copy of this determination by ~~certified first class mail with tracking~~ to:

- (1) the person who filed the notice;
- (2) the person alleged to have committed the violation;
- (3) the members of the county election board; and
- (4) the election division.

SECTION 17. IC 3-6-5.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 16. The circuit court clerk, upon completing the investigation, shall submit the results of the investigation to the county election board, which shall then issue a written report. The circuit court clerk shall provide a copy of the report by ~~certified first class mail with tracking~~ to:

- (1) the person who filed the complaint;
- (2) the person alleged to have committed the violation;
- (3) the members of the county election board; and
- (4) the election division.

SECTION 18. IC 3-6-5.1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 22. The county election



board shall forward a written summary of any action taken by the commission under section 20 or 21 of this chapter by ~~certified first~~ **class mail with tracking** to:

- (1) the person who filed the complaint;
- (2) the person alleged to have committed the violation; and
- (3) the election division.

SECTION 19. IC 3-6-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) An otherwise qualified person is eligible to serve as a precinct election officer unless any of the following apply:

- (1) The person is unable to read, write, and speak the English language.
- (2) The person has any property bet or wagered on the result of the election.
- (3) The person is a candidate to be voted for at the election in the precinct, except as an unopposed candidate for a precinct committeeman or state convention delegate.
- (4) The person is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election in that precinct. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption. This subdivision does not disqualify a person from serving as a precinct election officer if the candidate to whom the person is related is an unopposed candidate. For purposes of this subdivision, an "unopposed candidate" includes an individual whose nomination to an office at a primary election is unopposed by any other candidate within the same political party.
- (5) The person did not attend training required by section 40 of this chapter.

(b) In addition to the requirements of subsection (a), a person is not eligible to serve as an inspector if the person is the chairman or treasurer of the committee of a candidate whose name appears on the ballot.

(c) The county election board may, upon the unanimous vote of the entire membership of the county election board, adopt a resolution to permit individuals who are:

- (1) opposed candidates for precinct committeeman or state convention delegate; or**
- (2) related, as described in subsection (a)(4), to opposed**



candidates for precinct committeeman or state convention delegate;
notwithstanding subsection (a)(3) and (a)(4), to serve as a precinct election officer if the county election board finds that enough individuals are not available to serve as precinct election officers if the restrictions of those provisions are applied. A resolution adopted under this subsection expires December 31 of the year that the resolution is adopted.

SECTION 20. IC 3-6-6-12 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 12. (a) A county election board shall remove a precinct election officer and declare the office vacant if:

- (1) at any time before or during an election the county election board is notified by the affidavit of two (2) or more voters of the precinct that the officer is not qualified; and
- (2) the board determines that the statements made in the affidavit concerning the disqualification of the precinct election officer are true.

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

SECTION 21. IC 3-7-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. If the NVRA official determines that the notice does not allege a violation of NVRA or this article, even if the facts set forth in the notice are assumed to be true, the NVRA official shall provide a copy of the determination **by certified mail** to:

- (1) the person who filed the notice **by first class mail with tracking;**
- (2) the person alleged to have committed the violation **by first class mail with tracking;**
- (3) the members of the commission **by filing a copy with the election division;** and
- (4) the attorney general **by electronic mail.**

SECTION 22. IC 3-7-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. The NVRA official, upon completing the investigation, shall submit the results of the investigation to the commission, who shall then issue a written report. The commission shall provide a copy of the report **by certified mail** to:

- (1) the person who filed the notice **by first class mail with tracking;**
- (2) the person alleged to have committed the violation **by first**



class mail with tracking;

(3) the members of the commission **by filing a copy with the election division;** and

(4) the attorney general **by electronic mail.**

SECTION 23. IC 3-7-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. The commission shall forward a written summary of any action under section 11 of this chapter **by certified mail** to:

(1) the person who filed the notice **by first class mail with tracking;**

(2) the person alleged to have committed the violation **by first class mail with tracking;** and

(3) the attorney general **by electronic mail.**

SECTION 24. IC 3-7-12-27, AS AMENDED BY P.L.169-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. (a) The circuit court clerk (or in a county with a board of registration, the members of the board of registration) shall, not later than:

(1) noon seventy-seven (77) days before each general ~~primary; or municipal~~ election **and each primary election conducted in a general election year; and**

(2) **seventeen (17) days before each municipal election or each primary election conducted in a municipal election year;**

file an affidavit under affirmation with the election division.

(b) The affidavit must be on a form prescribed by the election division and must state that the county voter registration office has:

(1) conducted the voter list maintenance program under this article; and

(2) canceled the registrations required under the voter list maintenance program.

SECTION 25. IC 3-7-12-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 30. (a) This section applies when a person aggrieved by a violation of:

(1) NVRA; or

(2) this article;

files a written notice of the violation with the circuit court clerk of the county where the violation occurred.

(b) The clerk shall promptly provide a copy of the notice by first class mail **with tracking** to:

(1) the person alleged to have committed the violation;

(2) the members of the county election board; and

(3) the NVRA official.



SECTION 26. IC 3-7-12-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 32. If the circuit court clerk determines that the notice does not allege a violation of NVRA or this article, even if the facts set forth in the notice are assumed to be true, the clerk shall provide a copy of the determination by **certified first class mail with tracking** to:

- (1) the person who filed the notice;
- (2) the person alleged to have committed the violation;
- (3) the members of the county election board; and
- (4) the NVRA official.

SECTION 27. IC 3-7-12-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 34. Upon completing the investigation, the circuit court clerk shall issue a written report. The clerk shall provide a copy of the report by **certified first class mail with tracking** to:

- (1) the person who filed the notice;
- (2) the person alleged to have committed the violation;
- (3) the members of the county election board; and
- (4) the NVRA official.

SECTION 28. IC 3-7-12-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 39. The county election board shall forward a written summary of any action under section 38 of this chapter by **certified first class mail with tracking** to:

- (1) the person who filed the notice;
- (2) the person alleged to have committed the violation; and
- (3) the NVRA official.

SECTION 29. IC 3-7-14-12, AS AMENDED BY P.L.128-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) An applicant who completes a voter registration application under section 4 of this chapter is not required to submit the application to a county voter registration office.

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

SECTION 30. IC 3-7-32-8, AS AMENDED BY P.L.169-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) This section does not apply to a voter registration application received by any of the following:

- (1) An employee of a license branch:

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- (A) acting in accordance with IC 3-7-14; or
- (B) who voluntarily:
 - (i) receives an application for voter registration by mail; and
 - (ii) forwards the application to a county voter registration office as part of the license branch's transmittal of other applications under IC 3-7-14.
- (2) An employee of a public assistance agency:
 - (A) acting in accordance with IC 3-7-15; or
 - (B) who voluntarily:
 - (i) receives an application for voter registration by mail; and
 - (ii) forwards the application to a county voter registration office as part of the agency's transmittal of other applications under IC 3-7-15.
- (3) An employee of an agency serving persons with disabilities:
 - (A) acting in accordance with IC 3-7-16; or
 - (B) who voluntarily:
 - (i) receives an application for voter registration by mail; and
 - (ii) forwards the application to a county voter registration office as part of the agency's transmittal of other applications under IC 3-7-16.
- (4) An employee of an office designated under IC 3-7-18:
 - (A) acting in accordance with that chapter; or
 - (B) who voluntarily:
 - (i) receives an application for voter registration by mail; and
 - (ii) forwards the application to a county voter registration office as part of the office's transmittal of other applications under IC 3-7-18.
- (5) An employee of an office designated under IC 3-7-19:
 - (A) acting in accordance with that chapter; or
 - (B) who voluntarily:
 - (i) receives an application for voter registration by mail; and
 - (ii) forwards the application to a county voter registration office as part of the office's transmittal of other applications under IC 3-7-19.
- (6) An employee of the office of the department of employment and training services:
 - (A) acting in accordance with IC 3-7-20.5; or
 - (B) who voluntarily:
 - (i) receives an application for voter registration by mail; and
 - (ii) forwards the application to a county voter registration office as part of the office's transmittal of other applications under IC 3-7-20.5.



(7) An employee of the United States Postal Service or a bonded courier company, acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company.

(8) A member of the applicant's household.

(9) An applicant's attorney in fact under IC 30-5-5-14.

(10) The election division acting in accordance with IC 3-7-33-3.7.

(11) A state agency or county voter registration office receiving an application through the online voter registration system under IC 3-7-26.7.

(12) A precinct election officer acting in the officer's official capacity under IC 3-6-6.

(13) A county voter registration officer acting in accordance with IC 3-7.

(14) A law enforcement agency acting in accordance with IC 3-7-18-2(b).

(b) A person who receives a completed application form shall file the application with the appropriate county voter registration office or the election division not later than:

(1) noon ten (10) days after the person who initially received the completed application from the voter registration applicant received the application; or

(2) the deadline set by state law for filing the application with the county voter registration office;

whichever occurs first. The ten (10) day filing requirement applies to the delivery of a mail registration form whether prescribed by the United States Election Assistance Commission or the election division.

(c) If a person receives a completed voter registration application that the person has reason to believe is materially false, fictitious, or fraudulent, the person shall deliver the application to the appropriate county election board not later than the deadline set forth in subsection (b), with a statement sworn or affirmed to under the penalties for perjury, setting forth the reasons why the person believes the application may be materially false, fictitious, or fraudulent. The county election board shall act under IC 3-6-5-31 to determine if a violation of election law has occurred.

SECTION 31. IC 3-7-33-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 5.7. (a) The statewide voter registration system must contain a feature that identifies potential nonresidential addresses submitted on voter registration applications.**

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(b) This subsection applies to an application with a residence address that the statewide voter registration system identifies as a potential nonresidential address. Before the county voter registration official makes a determination on the application under section 5 of this chapter, the official shall conduct research on the application to determine if:

- (1) an individual could reside at the address stated on the application; or**
- (2) the applicant resides at a nontraditional address described in IC 3-5-5-18.**

SECTION 32. IC 3-7-38.2-5.5, AS AMENDED BY P.L.193-2021, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5.5. (a) The Indiana data enhancement association (IDEA) is established. IDEA shall be administered by the NVRA official in accordance with IC 3-7-11-1.

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

- (1) The member states of IDEA are not required to pay to Indiana any fee for the processing of the data from the member state.
- (2) The member states of IDEA are not required to engage in any activity other than actions necessary to comply with standards for voter list maintenance set forth in the order as a condition for obtaining data from Indiana or other member states.
- (3) The method for a state to join or withdraw from IDEA.
- (4) The tenure of the membership of each state and duration of the order.
- (5) Indiana shall:
 - (A) use the confidence factors set forth in subsection (c) to determine whether the name of an individual registered in that member state appears to be the same as an individual registered to vote in Indiana or any other member state; and
 - (B) only forward potential matches of the names of individuals in a state who meet or exceed the confidence factor threshold under subsection (c).
- (6) Any registration data provided to Indiana by another state member:



- (A) is confidential under Indiana law;
- (B) must be safely secured by Indiana for the duration of a particular instance of a voter list maintenance activity; and
- (C) shall be destroyed immediately following the provision of data concerning potential duplicate voter registrations to IDEA member states.

(7) Any other provisions necessary for the proper and effective administration of IDEA.

(c) Not later than thirty (30) days following the receipt of information under subsection (b) indicating that a voter of Indiana may also be registered to vote in another state, the NVRA official shall provide the appropriate county voter registration office with the name of and any other information obtained under this subsection concerning that voter, if both of the following apply:

(1) The first name, last name, and date of birth of the Indiana voter is identical to the first name, last name, and date of birth of the voter registered in the other state.

(2) A comparison of the records indicates that there is a confidence factor that the records are for the same individual resulting from the accumulation of at least seventy-five (75) points based on the following criteria:

- (A) Full Social Security number: 40 points.
- (B) Last four (4) digits of Social Security number: 10 points.
- (C) Indiana driver's license or identification card number: 50 points.
- (D) Date of birth: 25 points.
- (E) Last Name: 15 points.
- (F) First Name: 15 points.
- (G) Middle Name: 5 points.
- (H) Suffix: 5 points.
- (I) Street Address 1: 10 points.
- (J) Zip Code (first five (5) digits): 5 points.

(d) The county voter registration office shall determine whether the individual:

- (1) identified in the report provided by the NVRA official under subsection (c) is the same individual who is a registered voter of the county;
- (2) registered to vote in another state on a date following the date that voter registered in Indiana; and
- (3) authorized the cancellation of any previous registration by the voter when the voter registered in another state.

(e) If the county voter registration office determines that the voter



is described by subsection (d), the county voter registration office shall cancel the voter registration of that voter. If the county voter registration office determines that the voter is described by subsection (d)(1) and (d)(2), but has not authorized the cancellation of any previous registration, the county voter registration office shall send an address confirmation notice to the Indiana address of the voter.

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

(1) If this information is

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

(2) forwarded by the election division;

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

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

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

SECTION 33. IC 3-7-40.5-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2. (a) The county voter registration office may update the copy of the voter's original signature in the computerized list established under IC 3-7-26.3 for printing on a poll list or for an electronic poll book from any of the following that is maintained by a county election board or the county voter registration official:**

(1) A poll list.

(2) A voter registration application or an address confirmation notice under IC 3-7-38.2.

(3) An affidavit prescribed by the election division under IC 3-10-11 and IC 3-10-12.



(4) A document prescribed by the election division for absentee voting under IC 3-11-4.

(b) A document described in subsection (a) may be either on paper or in an electronic format that is submitted through a module of the computerized list.

SECTION 34. IC 3-7-48-5, AS AMENDED BY P.L.169-2015, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) This section applies to a voter who:

- (1) formerly resided in a precinct according to the voter registration record; and
- (2) no longer resides in that precinct according to the voter registration record.

(b) As provided under 52 U.S.C. 20507(e)(3), a voter described by subsection (a) may vote in the precinct where the voter formerly resided (according to the voter registration record) if the voter makes an oral or a written affirmation to a member of the precinct election board that the voter continues to reside at the address shown as the voter's former residence on the voter registration record.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under IC 3-7-29-6(a)(1) or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation described in this section on the affidavit prescribed by the election division under IC 3-10-11-6. If the person makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing by using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

(e) A voter may also make a written affirmation under this section when applying for an absentee ballot.

SECTION 35. IC 3-8-1-21, AS AMENDED BY P.L.278-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 21. A candidate for the office of county commissioner must:

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



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

SECTION 36. IC 3-8-1-33, AS AMENDED BY P.L.8-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

(1) Governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and attorney general, in accordance with IC 4-2-6-8.

(2) Senator and representative in the general assembly, in accordance with IC 2-2.2-2.

(3) Justice of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, judge of a probate court, **judge of a city court, judge of a town court**, and prosecuting attorney, in accordance with IC 33-23-11-14 and IC 33-23-11-15.

(4) A candidate for a local office or school board office, in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).

SECTION 37. IC 3-8-2-2.5, AS AMENDED BY P.L.201-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

(1) The candidate's name must be printed or typewritten as:

(A) the candidate wants the candidate's name to be certified;
and

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



A candidate must specify, by a designation described in IC 3-5-7-5, each designation that the candidate wants to use that is permitted by IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward, if applicable, and city or town), county, and state.

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

(4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). The candidate may not claim affiliation with any political party described by IC 3-8-4-1.

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors and each candidate for alternate presidential elector for each presidential elector.

(7) The following statements:

(A) A statement that the candidate has attached either of the following to the declaration:

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

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

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office,



state office, or legislative office.

(D) A statement that the candidate:

- (i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
- (ii) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subdivision.

(8) A statement as to whether the candidate has:

- (A) been a candidate for state, legislative, or local office in a previous primary or general election; and
- (B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

- (A) The candidate receives more than five hundred dollars (\$500) in contributions.
- (B) The candidate makes more than five hundred dollars (\$500) in expenditures.

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

(12) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks



election.

(e) A person may not be a write-in candidate in a contest for nomination or for election to a political party office.

(f) A write-in candidate for the office of President or Vice President of the United States must list the following:

(1) The names of the write-in candidate's candidates for presidential elector. A write-in candidate may not list more than the total number of presidential electors to be chosen in Indiana under this subdivision.

(2) The name of the write-in candidate's candidate for each alternate presidential elector for each presidential elector.

(g) The election division shall provide that the form of a declaration of intent to be a write-in candidate includes the following information:

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by ~~IC 3-5-7-6(e)~~. **IC 3-5-7-6(d)**. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

SECTION 38. IC 3-8-2-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Sec. 6. (a) A declaration of candidacy for:

- (1) any local office not described in section 5 of this chapter;
- (2) precinct committeeman; or
- (3) delegate to a state convention;

shall be filed in the office of the county election board located in the county seat.

(b) Whenever the election district for a local office includes more than one (1) county, the declaration of candidacy shall be filed in the office of the county election board located in the county seat of the county that contains the greatest percentage of population of the



election district.

(c) This subsection applies to a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000). The chief deputy of the combined election board and board of registration shall post for public inspection a copy of each declaration of candidacy filed under this section on the day the declaration is filed.

(d) This subsection applies if an election district for a local office is located in more than one (1) county. The circuit court clerk of the county having the greatest percentage of population of the election district shall promptly certify the names of each of the candidates that have filed a declaration of candidacy to be a candidate for the office in the election district to the county election board of each other county in which the election district is located.

SECTION 39. IC 3-8-2-7, AS AMENDED BY P.L.193-2021, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

- (1) The candidate's name, printed or typewritten as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

A candidate must specify, by a designation described in IC 3-5-7-5, each designation that the candidate wants to use that is permitted by IC 3-5-7.

- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward, if applicable, and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.
- (4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:
 - (A) The two (2) most recent primary elections in Indiana in which the candidate voted were primary elections held by the party with which the candidate claims affiliation. If the candidate cast a nonpartisan ballot at an election held at the most recent primary election in which the candidate voted, a certification by the county chairman under clause (B) is



required.

(B) The county chairman of:

- (i) the political party with which the candidate claims affiliation; and
- (ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party.

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A) or (B) applies to the candidate. If a candidate claims party affiliation under clause (B), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (B).

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

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) The following statements:

(A) A statement that the candidate has attached either of the following to the declaration:

- (i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.
- (ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office,



state office, or legislative office.

(D) A statement that the candidate:

- (i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
- (ii) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state, legislative, or local office in a previous primary, municipal, special, or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 4 of this chapter.

(10) The candidate's signature.

(b) The election division shall provide that the form of a declaration of candidacy includes the following information:

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

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by ~~IC 3-5-7-6(e)~~. **IC 3-5-7-6(d)**. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 40. IC 3-8-2.5-2.5, AS AMENDED BY P.L.169-2015, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.5. (a) A petition of nomination for a school board office must state all of the following:

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- (1) The name of each candidate as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

The petition must specify, by a designation described in IC 3-5-7-5, each designation that the candidate wants to use that is permitted by IC 3-5-7.

- (2) The address of each candidate, including the mailing address, if different from the residence address of the candidate.
 - (3) The school board office that each candidate seeks.
 - (4) That each petitioner is a qualified registered voter and desires to be able to vote for the candidates listed on the petition.
- (b) The petition of nomination must be accompanied by the following:
- (1) The candidate's written consent to become a candidate.
 - (2) A statement that the candidate:
 - (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
 - (B) agrees to comply with the provisions of IC 3-9 referred to in clause (A).
 - (3) A statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:
 - (A) The candidate receives more than five hundred dollars (\$500) in contributions.
 - (B) The candidate makes more than five hundred dollars (\$500) in expenditures.
 - (4) A statement indicating whether or not each candidate:
 - (A) has been a candidate for state, legislative, local, or school board office in a previous primary, municipal, special, or general election; and
 - (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.
 - (5) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.
 - (6) Any statement of economic interests required under IC 3-8-9.

SECTION 41. IC 3-8-5-10.5, AS AMENDED BY P.L.109-2021, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JANUARY 1, 2024]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

(1) not earlier than the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4; and

(2) not later than:

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

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

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

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

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

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

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

A candidate must specify, by a designation described in IC 3-5-7-5, each designation that the candidate wants to use that is permitted by IC 3-5-7.

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

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

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

(A) The **two (2)** most recent primary ~~election~~ **elections** in Indiana in which the candidate voted ~~was a~~ **were both** primary ~~election~~ **elections** held by the party with which the candidate claims affiliation. If the candidate cast a nonpartisan ballot at an election held at **either of the two (2)** most recent primary



~~election elections~~ in which the candidate voted, a certification by the county chairman under clause (B) is required.

(B) The county chairman of:

- (i) the political party with which the candidate claims affiliation; and
- (ii) the county in which the candidate resides;

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

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

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

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

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

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

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

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

(9) That the candidate:

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

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

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

(A) has been a candidate for state, legislative, local, or school board office in a previous primary, municipal, special, or



general election; and

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

(11) The candidate's signature.

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

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

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

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

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

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

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

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

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

(i) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of



the appropriate county as required by ~~IC 3-5-7-6(e)~~. **IC 3-5-7-6(d)**. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 42. IC 3-8-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) The chairman and secretary of a town convention shall execute a certificate of nomination in writing, setting out the following:

- (1) The name of each nominee as:
 - (A) the nominee wants the nominee's name to appear on the ballot; and
 - (B) the nominee's name is permitted to appear on the ballot under IC 3-5-7.

The certificate must specify, by a designation described in IC 3-5-7-5, each designation that the nominee wants to use that is permitted by IC 3-5-7.

- (2) The residence address of each nominee.
- (3) The office for which each nominee was nominated.
- (4) That each nominee is legally qualified to hold office.

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

(c) The certificate must be filed with the circuit court clerk of the county having the greatest percentage of the population of the town.

(d) The certificate must be filed with the circuit court clerk no later than noon August 28 before the municipal election.

(e) The circuit court clerk shall file a copy of each certificate with the town clerk-treasurer no later than noon September 4.

SECTION 43. IC 3-8-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) This section applies to a political party:

- (1) not qualified to conduct a primary election under IC 3-10; and
- (2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

(b) An individual who desires to be nominated for a town office by the political party must file a declaration of candidacy in the same manner as a candidate for nomination by a major political party under section 10.5 of this chapter. If a convention would be required for the political party under section 10 of this chapter, the political party shall conduct a convention to nominate candidates for town office not later than the date for conducting a major party town convention under section 10 of this chapter.



(c) The chairman and secretary of the town convention shall execute, acknowledge, and file a certificate setting forth the nominees of the convention in accordance with section 13 of this chapter.

(d) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6. The consent must be filed with the certificate under subsection (c). An individual who wishes to withdraw as a candidate after nomination by the convention must do so in the manner prescribed by section 14.5 of this chapter.

(e) The circuit court clerk shall file a copy of each certificate and each candidate's consent with the town clerk-treasurer in accordance with section 13 of this chapter.

(f) A candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by ~~IC 3-5-7-6(e)~~: **IC 3-5-7-6(d)**. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.

SECTION 44. IC 3-8-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A petition of nomination must be signed by the number of voters equal to two percent (2%) of the total vote cast at the last election for secretary of state in the election district that the candidate seeks to represent.

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

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

SECTION 45. IC 3-8-6-5, AS AMENDED BY P.L.230-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) A petition of nomination must state all of the following:

- (1) The name of each candidate as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and



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

The petition must specify, by a designation described in IC 3-5-7-5, each designation that the candidate wants to use that is permitted by IC 3-5-7.

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

(3) The office that each candidate seeks.

(4) The information required under IC 3-10-4-5, if the petition nominates candidates for presidential electors.

(5) That the petitioners desire and are registered and qualified to vote for each candidate.

(6) Whether the candidate is affiliated with the same political party as any other candidate or group of candidates that has filed or will be filing a petition of nomination with the county voter registration office under section 10 of this chapter. This subdivision does not apply to an independent candidate.

(b) A petition of nomination must:

(1) designate a brief name of the political party that the candidates represent;

(2) indicate that the candidate is an independent candidate; or

(3) indicate that the candidates are an independent ticket.

(c) If a political party has previously filed a device with the election division under IC 3-8-7-11, the petition may incorporate that device by reference in the petition. If a political party has not previously filed a device under IC 3-8-7-11, or the petition is for an independent ticket, the petition of nomination may include a device for designating the party or ticket on the ballot.

SECTION 46. IC 3-8-6-12, AS AMENDED BY P.L.74-2017, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

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

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

(2) The following statements:

(A) A statement that the candidate has attached either of the following to the petition:

(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic



interests.

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

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(D) A statement that the candidate:

(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

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

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

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

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

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous



- primary or general election; and
- (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.
- (6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.
- (7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.
- (8) Any statement of economic interests required under IC 3-8-1-33.
- (c) The statement required under subsection (b)(7) must:
- (1) be certified by each circuit court clerk; and
 - (2) indicate the number of votes cast for secretary of state:
 - (A) at the last election for secretary of state; and
 - (B) in the part of the county included in the election district of the office sought by the individual filing the petition.
- (d) The person with whom the petition of nomination must be filed under subsection (a) shall:
- (1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and
 - (2) do one (1) of the following:
 - (A) If the petition includes a sufficient number of signatures, certify the petition.
 - (B) If the petition has an insufficient number of signatures, deny the certification.
- (e) The secretary of state shall, by noon on the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:
- (1) certify; or
 - (2) deny certification under subsection (d) to;
- each petition of nomination filed in the secretary of state's office to the appropriate county.
- (f) The election division shall provide that the form of a petition of nomination includes the following information:
- (1) The dates for filing campaign finance reports under IC 3-9.
 - (2) The penalties for late filing of campaign finance reports under IC 3-9.
- (g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter



registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by ~~IC 3-5-7-6(e)~~: **IC 3-5-7-6(d)**. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

- (1) the county voter registration office's failure to certify, under section 8 of this chapter, qualified petitioners; or
- (2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 47. IC 3-8-6-17, AS AMENDED BY P.L.169-2015, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) If:

- (1) a petition of nomination contains the name of at least one (1) candidate who seeks to be placed on the ballot as the candidate of a political party described by section 1 of this chapter; and
- (2) a candidate listed on the petition ceases to be a candidate after the petition is circulated for signature or filed;

the candidate may be replaced on the petition in accordance with this section.

(b) This subsection applies to a candidate described in subsection (a) who sought a federal, state, or legislative office or a local office described by IC 3-8-2-5. The state chairman of the political party may file a written statement with the election division stating the name of the substitute candidate. The statement must **satisfy all of the following**:

- (1) **The statement must** be on a form prescribed by the election division.
- (2) **The statement must** state the following:
 - (A) The name of the individual who ceased to be a candidate.
 - (B) The date and reason the individual ceased to be a candidate. ~~and~~



(C) The name of the individual who will replace the candidate as:

- (i) the individual wants the individual's name to appear on the ballot; and
- (ii) the individual's name is permitted to appear on the ballot under IC 3-5-7. ~~and~~

The substitute candidate must specify, by a designation described in IC 3-5-7-5, each designation that the substitute candidate wants to use that is permitted by IC 3-5-7.

(3) **The statement must** be accompanied by the following:

- (A) The replacement candidate's consent to be nominated by the petition and, if other candidates were listed on the petition, the signed consent of those candidates to be the replacement.
- (B) The former candidate's statement of withdrawal in a form substantially similar to the form prescribed under IC 3-8-7-28 if the individual withdrew as a candidate.

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

(c) This subsection applies to a candidate described in subsection (a) who sought a local office other than a local office described by IC 3-8-2-5. The county, city, or town chairman of the political party may file a written statement that conforms with subsection (b) with the election board conducting the election for the local office.

(d) The statement required under subsection (b) or (c) must be filed not later than the final date and time for the filing of a certificate of candidate selection under IC 3-13-1-15(c).

(e) If a petition of nomination is circulated or filed by an independent candidate and that individual ceases to be a candidate, another candidate may not be substituted on the petition of nomination.

SECTION 48. IC 3-8-7-8, AS AMENDED BY P.L.278-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2023]: Sec. 8. (a) This section applies to a state convention conducted by a political party described by IC 3-8-4-1.

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

(c) The certificate must be in writing and state the following:

(1) The name of each candidate nominated as:

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

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

The certificate must specify, by a designation described in IC 3-5-7-5, each designation that the candidate wants to use that is permitted by IC 3-5-7.

(2) Each candidate's residence address.

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

(4) The following statements:

(A) A statement that the candidate has attached either of the following to the certificate:

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

(ii) A receipt, photocopy of a receipt, or electronic mail from the office of the inspector general or judicial qualifications commission, showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.



(D) A statement that the candidate:

- (i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
- (ii) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subdivision.

(d) The election division shall prescribe the form of the certificate of nomination for the offices. The election division shall provide that the form of the certificate of nomination include the following information:

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

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

(f) The certificate of nomination must be signed by the state chairman and state secretary of the political party holding the convention, and set forth the name and residence of the chairman and secretary. The chairman and secretary shall acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-9. The signed acknowledgment must be included in the certificate of nomination executed under this section.

SECTION 49. IC 3-8-7-10, AS AMENDED BY P.L.128-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) This section applies to a county, city, or town convention conducted by a political party described by IC 3-8-4-1.

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

- (1) Be in writing.

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

(A) The name of each person nominated as:

- (i) the person wants the person's name to appear on the ballot; and
- (ii) the person's name is permitted to appear on the ballot under IC 3-5-7.

The certificate must specify, by a designation described in IC 3-5-7-5, each designation that the person nominated wants to use that is permitted by IC 3-5-7.

(B) Each person's residence address.

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

(3) Be signed by the chairman and secretary of the county, city, or town committee, who shall also give their respective places of residence and acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-9. The signed acknowledgment must be included in the certificate of nomination executed under this section.

SECTION 50. IC 3-8-7-11, AS AMENDED BY P.L.225-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

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

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

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

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

(d) Not later than noon on the date specified under section 16 of this chapter for the certification of candidates and public questions by the election division, the election division shall provide each county election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that



ballots may be prepared using the best possible reproduction of the device.

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

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

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

SECTION 51. IC 3-8-7-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 19. (a) Except as provided in ~~subsection (b)~~; **subsections (b) and (c)**, the name of a ~~person~~ **an individual** who has been nominated as a candidate for an elected office may not appear in more than one (1) place on a ballot.

(b) The name of a ~~person~~ **an individual** who is nominated as a candidate of a political party:

- (1) for a federal office in a primary election; and
- (2) for Vice President of the United States during the same year; may appear on the general election ballot as a candidate for the federal office and for Vice President of the United States.

(c) The name of an individual who is a candidate to:

- (1) fill a vacancy in the office of United States Representative in a special election held under IC 3-10-8; and**
 - (2) be elected to the same office for the next term as the United States Representative;**
- may appear on the ballot as a candidate both in the election**



described in subdivision (1) and the election described in subdivision (2) if both elections are held on the same day.

SECTION 52. IC 3-8-9-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) This section applies to any individual required to file a statement in accordance with section 5 of this chapter.

(b) If:

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

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

SECTION 53. IC 3-9-2-12, AS AMENDED BY P.L.133-2021, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) This section does not apply to:

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

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

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

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

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

- (1) beginning on the day in January in each odd-numbered year the general assembly reconvenes under IC 2-2.1-1-2; and
- (2) through either of the following:
 - (A) April 29 in calendar year 2021.
 - (B) the day the general assembly adjourns sine die under IC 2-2.1-1-2 in an odd-numbered year, beginning after December 31, 2022.

(d) During the prohibited period, an affected person, an affected



person's candidate's committee, and a legislative caucus committee may not do any of the following:

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

SECTION 54. IC 3-9-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) The election division and each county election board shall do all of the following:

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

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

- (2) Give the following notices:

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

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

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

- (b) The election division shall mail:

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

~~the proper campaign finance report forms and~~ a notice that states the date the campaign finance reports are due. The election division is required to mail notices ~~and forms~~ only to candidates for state offices and legislative offices. A county election board may, but is not required to, implement this subsection for candidates for local offices.

(c) Notwithstanding any notice given to a delinquent under subsection (a) or (b), the delinquent remains liable for a civil penalty



in the full amount permitted under this chapter for failing to file a campaign finance report or statement of organization not later than the date and time prescribed under this article.

SECTION 55. IC 3-9-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. ~~Not~~ **(a) Not** later than noon thirty (30) days after the date a treasurer of a continuing committee leaves office, the outgoing treasurer shall file a final report that is complete as of the last day the person was treasurer and covers the period since the last report.

(b) Notwithstanding subsection (a), the chair of a continuing committee shall file a final report for a treasurer whenever the following occurs:

(1) The treasurer dies.

(2) The outgoing treasurer of a continuing committee otherwise cannot make the filing.

SECTION 56. IC 3-9-5-20.1, AS AMENDED BY P.L.169-2015, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 20.1. (a) This section:

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

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

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

(1) A primary election.

(2) A general election.

(3) A municipal election.

(4) A special election.

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

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

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

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

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

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

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division or a county election board not later than forty-eight (48) hours after the contribution is received **and accepted**. A candidate for a legislative office shall file a report required by this section with the election division and the county election board as required by section 3 of this



chapter. A report filed under this section may be filed by facsimile (fax) transmission.

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

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

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

SECTION 57. IC 3-9-5-22, AS AMENDED BY P.L.169-2015, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 22. (a) This section applies only to a large contribution that is received **and accepted** by a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.

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

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

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

- (1) Contributions:
 - (A) that total at least one thousand dollars (\$1,000); and
 - (B) that are received **and accepted**:
 - (i) after the end of a reporting period and before the deadline for the candidate's committee to file a report under section 6 of this chapter; and
 - (ii) not less than forty-eight (48) hours before an election.
- (2) A single contribution that is at least ten thousand dollars (\$10,000) that is received **and accepted** at any time.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division not later than:

- (1) forty-eight (48) hours after a contribution described by subsection (c)(1) is received **and accepted**; or



(2) noon seven (7) days after a contribution described by subsection (c)(2) is received **and accepted**.

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

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

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

SECTION 58. IC 3-10-1-19, AS AMENDED BY P.L.278-2019, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the form described in this section for all the offices for which candidates have qualified under IC 3-8.

(b) The following shall be printed as the heading for the ballot for a political party:

"OFFICIAL PRIMARY BALLOT

_____ Party (insert the name of the political party)".

(c) The following shall be printed immediately below the heading required by subsection (b) or be posted in each voting booth as provided in IC 3-11-2-8(b):

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

(d) Local public questions shall be placed on the primary election



ballot after the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g).

(e) The local public questions described in subsection (d) shall be placed as follows:

- (1) In a separate column on the ballot if voting is by paper ballot.
- (2) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-13-11 if voting is by ballot card.
- (3) As provided by either of the following if voting is by an electronic voting system:
 - (A) On a separate screen for a public question.
 - (B) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-14-3.5.

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

(The explanatory text for the public question,
if required by law.)
"Shall (insert public question)?"

YES

NO

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

- (1) Federal and state offices:
 - (A) President of the United States.
 - (B) United States Senator.
 - (C) Governor.
 - (D) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.



- (D) Prosecuting attorney.
- (E) Circuit court clerk.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner.
 - (I) County council member.
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.
 - (C) Township board member.
 - (D) Judge of the small claims court.
 - (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.
- (h) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (g):
 - (1) Precinct committeeman.
 - (2) State convention delegate.
- (i) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (h).
 - (j) The offices described in subsection (i) shall be placed as follows:
 - (1) In a separate column on the ballot if voting is by paper ballot.
 - (2) After the offices described in subsection (h) in the form specified in IC 3-11-13-11 if voting is by ballot card.
 - (3) Either:
 - (A) on a separate screen for each office or public question; or



(B) after the offices described in subsection (h) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(k) If no candidate has filed to run for an office on the primary ballot then the county election board may print "NO CANDIDATE FILED" in the place on the ballot where a candidate's name would have been printed.

SECTION 59. IC 3-10-1-33 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 33. (a) The county election board shall also make an additional duplicate showing the votes cast for each candidate required to file a declaration of candidacy with the election division under IC 3-8-2.~~

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

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

SECTION 60. IC 3-10-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) This section applies to a political party:

- (1) not qualified to conduct a primary election under IC 3-10; and
- (2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

(b) The political party may conduct a convention to nominate candidates for city or town office not later than noon on the date specified by IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate vacancy.

(c) The chairman and secretary of the convention shall execute and acknowledge a certificate setting forth the nominees of the convention in accordance with IC 3-8-5-13. The certificate must be filed with the circuit court clerk of the county containing the greatest percentage of population of the municipality not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

(d) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6. The consent must be filed with the certificate under subsection (c).

(e) A candidate's consent to the nomination must include a



statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by ~~IC 3-5-7-6(c)~~. **IC 3-5-7-6(d)**. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.

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

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

SECTION 61. IC 3-10-8-4, AS AMENDED BY P.L.109-2021, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) Each circuit court clerk who is required to conduct a special election under Indiana law or receives a writ ordering a special election shall publish in accordance with IC 5-3-1 the following information:

(1) Under the proper political party or independent candidate designation:

(A) the title of office; and

(B) the names and addresses of all candidates who have filed for election to the office, except for an individual with a restricted address under IC 36-1-8.5;

if an elected office will be on the ballot at the special election.

(2) The text of any public question to be submitted to the voters.

(3) The date of the election.

(4) The hours during which the polls will be open.

(5) The dates, times, and locations of voting at the circuit court clerk's office and at satellite offices under IC 3-11-10-26.

(b) The county election board or town election board shall file a notice of a special election conducted under this chapter with the election division not later than noon seven (7) days after ~~receiving the writ~~. **publishing the notice under subsection (a)**.

SECTION 62. IC 3-11-1.5-3, AS AMENDED BY P.L.169-2015, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) Except as provided in:

(1) subsection (b);

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- (2) subsection (c);
- (3) section 3.2 of this chapter; or
- (4) section 3.5 of this chapter;

a county executive shall establish precincts so that a precinct contains not more than two thousand (2,000) active voters.

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

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

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

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

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

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

SECTION 63. IC 3-11-1.5-32.5 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 32.5: (a) This section applies to townships in a county containing a consolidated city.

(b) The legislative body of a township may not change the boundary of a legislative body district established under IC 36-6-6-2.5 after November 8 of the year preceding the year in which an election is held to elect township board members and before the day following the date on which an election is held to elect township board members.

SECTION 64. IC 3-11-1.5-38.1, AS ADDED BY P.L.108-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 38.1. (a) This section applies to the boundaries of a precinct as established before January 1, 2021.

(b) As used in this chapter, "federal decennial census" has the



meaning set forth in IC 1-1-3.5-2(a).

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

(1) A list of the census blocks comprising the voting tabulation districts used by the United States Department of Commerce, Bureau of the Census, in reporting the 2020 federal decennial census of Indiana, as supplemented by the office.

(2) A file in a format prescribed by the election division depicting the boundaries of the precinct as shown by maps included in the GIS.

(d) After a filing occurs under subsection (c), the election division shall immediately notify the county executive and the county election board (or the board of elections and registration) of the county in which the precinct is located.

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

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

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

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

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

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

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

(h) This subsection applies to an order to establish precinct



boundaries approved under this chapter before January 1, 2021. Not later than January 1, 2022, the county executive shall do the following:

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

- (A) The 2021 Indiana congressional district plan.
- (B) The 2021 senate district plan.
- (C) The 2021 house district plan.

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

(i) This section does not prohibit the establishment of precincts in a county using a precinct establishment order as provided in this chapter.

(j) ~~This section expires December 31, 2024.~~ **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.**

SECTION 65. IC 3-11-2-9, AS AMENDED BY P.L.109-2021, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) The device of each political party ~~or independent ticket~~ described in section 6 of this chapter shall be:

- (1) enclosed in a circle not less than three-fourths (3/4) of an inch in diameter; and
- (2) placed under the name of the party or independent ticket, as required by section 10 of this chapter.

(b) A device of a political party ~~or independent ticket~~ must not be printed on a ballot if:

- (1) there are no candidates of that political party; or
- (2) the only candidates of the political party are for election to offices to which more than one (1) individual is to be elected and which will not be credited with a vote under IC 3-12-1-7 if a voter casts a straight party ticket.

SECTION 66. IC 3-11-2-10, AS AMENDED BY P.L.32-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, if instructions are printed on the ballot:

- (1) Ratification of a state constitutional amendment.
- (2) Local public questions.

Subject to section 10.1 of this chapter, each public question shall be



placed in a separate column on the ballot.

(b) The name or title of the political party ~~or independent ticket described in section 6 of this chapter~~ shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party ~~or independent ticket~~ shall be placed immediately under the name of the political party. ~~or independent ticket~~. Notwithstanding section 8(b) of this chapter, the instructions for voting a straight party ticket shall be placed to the right of the device on the ballot.

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following:

"(1) You are not required to vote a straight party ticket. If you do not wish to vote a straight party ticket, do not make a mark in this section, and proceed to voting the ballot by office.

(2) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, except for candidates described in (3) below, make a voting mark on or in this circle and do not make any other marks on this ballot.

(3) To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot) to which more than one (1) person may be elected, you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.

(4) If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(d) Except as permitted under section 8(b) of this chapter, if the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) Except as permitted under section 8(b) of this chapter, the ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."



(f) Subject to section 10.1 of this chapter, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 67. IC 3-11-2-12, AS AMENDED BY P.L.109-2021, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. **(a)** The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.
 - (G) Attorney general.
 - (H) United States Representative. **If an election to fill a vacancy in an office of United States Representative under IC 3-10-8 is held on the same day as the election for the next term of the same office, the ballot shall list the election to fill the vacancy in the office immediately after the election for the next term of the office.**
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Prosecuting attorney.
 - (E) Clerk of the circuit court.
- (4) County offices:



- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner.
- (I) County council member.
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.
 - (C) Township board member.
 - (D) Judge of the small claims court.
 - (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.

(b) If a major political party does not nominate a candidate for an office on a general, municipal, or special election ballot then the county election board may print "NO CANDIDATE FILED" in the place on the ballot where the name of the major political party's nominee would be printed.

SECTION 68. IC 3-11-2-12.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 12.3. A ballot must be arranged so that all candidates for the same office appear on the same page or screen of the ballot.**

SECTION 69. IC 3-11-2-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 12.5. Notwithstanding section 12 of this chapter, the county election board may alter the prescribed ballot order to place the names of the candidates for the following offices before the names of the candidates for county judicial offices:**

- (1) Prosecuting attorney.



- (2) Clerk of the circuit court.
- (3) The county offices listed in section ~~12(4)~~ **12(a)(4)** of this chapter.

SECTION 70. IC 3-11-3-11, AS AMENDED BY P.L.193-2021, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

- (1) The supplies provided for the inspector's precinct by the election division.
- (2) ~~The sample ballots,~~ the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.
- (3) The ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

- (4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.
- (5) Copies of the voter's bill of rights for posting as required by 52 U.S.C. 21082.
- (6) Copies of the instructions for a provisional voter required by 52 U.S.C. 21082 and IC 3-11.7-2-2. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).
- (7) Copies of the notice for posting as required by IC 3-7-29-1(f).
- (8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(9) A sample ballot or an electronic form of the sample ballot, if required under IC 3-11-11-1.7, IC 3-11-13-9, or IC 3-11-14-7.

(b) This subsection applies to a county that:

- (1) has adopted an order under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.



The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll book in each precinct or vote center.

SECTION 71. IC 3-11-3-25, AS AMENDED BY P.L.128-2015, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 25. **(a) This subsection applies when the county election board provides a precinct with a printed sample ballot under section 11 of this chapter.** As required by 52 U.S.C. 21082, the inspector of each precinct shall post the samples of each of the state and local ballots provided by the county election board under this article in and about the polls. The sample ballots shall be printed on different paper than the genuine ballots.

(b) An electronic device that is not an electronic poll book may be used at a precinct or vote center to display a sample ballot. For purposes of certification of voting systems under this article, an electronic device, the only function of which is the display of sample ballots, is not considered to be a voting system or part of a voting system.

(c) This subsection applies when the county election board provides a precinct with an electronic form of the sample ballot under section 11 of this chapter. The inspector of the precinct, or a person under the direction of the inspector, shall post a notice in and about the polls that the sample ballot for the precinct is available for review on an electronic device. The sample ballot must be made available for public inspection throughout election day.

(d) This subsection applies to a county using vote centers when the county election board provides the vote center with an electronic form of the sample ballot under section 11 of this chapter. The inspector of the vote center, or a person under the direction of the inspector, shall post a notice in and about the polls that the sample ballots for each precinct in the county are available for review on an electronic device. The sample ballots must be made available for public inspection throughout election day.

SECTION 72. IC 3-11-3-29.3, AS AMENDED BY P.L.278-2019, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 29.3. (a) This section applies to a candidate who has filed with the secretary of state or election division as a candidate for nomination in a primary election.

(b) If the election division determines that a candidate for nomination in a primary ~~has died;~~ **is a former candidate**, the division shall:

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(1) not include the name of the candidate in the certification transmitted to the county under IC 3-8-2-17; or

(2) if the certification to the county has already been transmitted, notify the county election board of each county to which the candidate's name has been previously certified.

(c) The county election board shall not print the name of a ~~deceased~~ **former** candidate described in subsection (b) on a primary ballot. However, if the county election board has already printed ballots containing the name of the ~~deceased~~ **former** candidate, the county may provide those ballots to voters and shall not reprint the ballot to remove the name of the ~~deceased~~ **former** candidate.

(d) A voter who has cast a ballot containing the name of a ~~deceased~~ **former** candidate is entitled to request a replacement absentee ballot under IC 3-11.5-4-2.

(e) If a ~~deceased~~ **former** candidate receives the most votes in a primary election, a candidate vacancy occurs that the candidate's party may fill under IC 3-13.

SECTION 73. IC 3-11-3-29.4, AS AMENDED BY P.L.278-2019, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 29.4. (a) This section applies to a candidate who has filed with a circuit court clerk or board of elections and registration as a candidate for:

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

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

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

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

(d) A voter who has cast a ballot containing the name of a ~~deceased~~ **former** candidate is entitled to request a replacement absentee ballot under IC 3-11.5-4-2.

(e) If a ~~deceased~~ **former** candidate receives the most votes in a primary election, a candidate vacancy occurs that the candidate's party may fill under IC 3-13.

SECTION 74. IC 3-11-3-29.5, AS AMENDED BY P.L.278-2019, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 29.5. (a) This section applies to a general or



special election in which the name of a candidate appears on the ballot. This section does not apply to an election for presidential electors.

(b) The election board shall print new ballots to remove the name of a **former** candidate ~~who has died or is no longer a candidate under IC 3-13-2-1~~ if:

(1) the candidate's party ~~does not fill~~ **fills** the vacancy under IC 3-13-1 or IC 3-13-2 not later than noon, five (5) days before the election; and

(2) when a candidate has died, the election board:

(A) receives a certificate of death issued under IC 16-37-3 not later than noon the seventh day before the election; or

(B) votes unanimously by the entire membership that there is good cause to believe that the candidate has died.

(c) The election board shall provide the number of ballots necessary to reflect a vacancy to the following:

(1) The absentee voter board.

(2) The inspector of each precinct in which the candidate is on the ballot.

(3) The circuit court clerk.

(d) If the election board reprints ballots under subsection (b), the election board may order the printing of new ballots that omit the name of a **former** candidate. ~~described in subsection (b)~~. A ballot printed under this subsection must contain the statement "NO CANDIDATE" or "~~CANDIDATE DECEASED~~" or words to that effect at the appropriate position on the ballot.

(e) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled after noon five (5) days before the election, the election board is not required to reprint ballots to remove the name of ~~an individual who is no longer a former~~ **former** candidate but may do so upon the vote of the election board.

SECTION 75. IC 3-11-4-3, AS AMENDED BY P.L.131-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) Except as provided in subsection (c) and section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) not earlier than the date the registration period resumes under IC 3-7-13-10 nor later than the following:

(1) Noon on election day if the voter registers to vote under IC 3-7-36-14.

(2) Noon on the day before election day if the voter:

(A) completes the application in the office of the circuit court



clerk under IC 3-11-10-26; or

(B) is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by electronic mail or fax under section 6(h) of this chapter.

(3) Noon on the day before election day if:

(A) the application is a mailed, transmitted by electronic mail or fax, or hand delivered application from a confined voter or voter caring for a confined person; and

(B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board under IC 3-11-10-25.

(4) 11:59 p.m. twelve (12) days before election day if the application is:

(A) a mailed application;

(B) transmitted by electronic mail;

(C) transmitted by fax; or

(D) hand delivered;

from other voters who request to vote by mail under IC 3-11-10-24 or for a voter with print disabilities to vote by electronic mail or fax under section 6(h) of this chapter.

(b) An application for an absentee ballot received by the election division by the time and date specified by subsection (a)(2)(B), (a)(3), or (a)(4) is considered to have been timely received for purposes of processing by the county. The election division shall immediately transmit the application to the circuit court clerk, or the director of the board of elections and registration, of the county where the applicant resides. The election division is not required to complete or file the affidavit required under section 2(j) of this chapter whenever the election division transmits an application under this subsection.

(c) If the circuit court clerk receives an absentee ballot application for a voter that is not registered to vote in the county where the clerk serves, the clerk shall forward the application, on an expedited basis, to the circuit court clerk of the county where the voter is registered to vote. The circuit court clerk that receives the application on an expedited basis shall consider the application as filed on the date and time it was filed with the clerk that forwarded the application.

~~(e)~~ (d) An application for an absentee ballot for the election may not be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) earlier than December 1 of the year before the election.

SECTION 76. IC 3-11-4-6, AS AMENDED BY P.L.109-2021,



SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

- (1) An absent uniformed services voter.
- (2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).
- (3) An overseas voter.
- (4) A voter with print disabilities.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section. Except as provided in section ~~3(e)~~ 3(d) of this chapter, a person may apply for an absentee ballot at any time after the registration period resumes under IC 3-7-13-10.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election by filing either of the following:

- (1) A combined absentee registration form and absentee ballot request approved under 52 U.S.C. 20301(b)(2).
- (2) A form prescribed under IC 3-5-4-8 that identifies the applicant as an absent uniformed services voter, an overseas voter, or a voter with print disabilities. A form prescribed under this subdivision must permit the applicant to designate whether the applicant wishes to receive the absentee ballot by electronic mail, fax, or United States mail.

(d) If the county election board receives an absentee ballot application from a person described by subsection (c), the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under section 15 of this chapter, unless the person has indicated under subsection (c) that the person wishes to receive the absentee ballot by electronic mail or fax.

(e) Whenever a voter files an application for an absentee ballot and indicates on the application that the voter is an absent uniformed services voter, an overseas voter, or a voter with print disabilities, the application is an adequate application for an absentee ballot for an election conducted during the period that ends on December 31 following the date the application is filed, unless an absentee ballot mailed to the voter at the address set forth in the application is returned to the county election board during that period as undeliverable. The circuit court clerk and county election board shall process this application and send general election absentee ballots to the voter in



the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for a change of address within the same county or for a change of name or other information set forth in the voter's registration record, the previously approved absentee ballot application remains effective for the same period, unless the acknowledgment notice sent to the voter at that address is returned by the United States Postal Service due to an unknown or insufficient address in accordance with IC 3-7-33-5. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for an address that is not located in the same county, the voter must file a new absentee ballot application under this section with the appropriate county election board.

(f) Whenever a voter described in subsection (a)(2) files an application for a primary election absentee ballot and indicates on the application that the voter is an address confidentiality program participant, the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the period that ends on December 31 following the date the application is filed. The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(g) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

- (1) To a law enforcement agency, upon request.
- (2) As directed by a court order.

(h) The county election board shall by fax or electronic mail transmit an absentee ballot to and receive an absentee ballot from an absent uniformed services voter, an overseas voter, or a voter with print disabilities by electronic mail or fax at the request of the voter indicated in the application filed under this section. If the voter wants to submit absentee ballots by fax or electronic mail, the voter must



separately sign and date a statement submitted with the electronic mail or the fax transmission that states substantively the following: "I understand that by faxing or e-mailing my voted ballot I am voluntarily waiving my right to a secret ballot."

(i) The county election board shall send confirmation to a voter described in subsection (h) that the voter's absentee ballot has been received as follows:

(1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.

(3) If:

(A) the voter does not provide a fax number or an electronic mail address; or

(B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's absentee ballot;

the county election board shall send the confirmation by United States mail.

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

(j) Upon approval of the voter's absentee ballot application, a county election board shall transmit an absentee ballot to an absent uniformed services voter or an overseas voter by electronic mail under a program authorized and administered by the Federal Voting Assistance Program of the United States Department of Defense or directly to the voter at the voter's electronic mail address, if requested to do so by the voter. A voter described by this section may transmit the voted absentee ballot to a county election board by electronic mail. If a voter described in this section transmits the voted absentee ballot through the United States Department of Defense program, the ballot must be transmitted in accordance with the procedures established under that program. An electronic mail message transmitting a voted absentee ballot under this subsection must include a digital image of the voter's signature on the statement required under subsection (h).

(k) The secretary of state, with the approval of the election division, shall develop a system that complies with the Web Content Guidelines.



SECTION 77. IC 3-11-4-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: **Sec. 6.2. (a) This section applies to an absent uniformed services voter, an overseas voter, or a voter with print disabilities.**

(b) The designation of a voter registration record in the computerized list as that of an individual described in subsection (a) expires January 1 of the calendar year following the year in which the individual submitted an absentee ballot application indicating that the voter was entitled to an absentee ballot as an absent uniformed services voter, an overseas voter, or a voter with print disabilities.

SECTION 78. IC 3-11-4-14, AS AMENDED BY P.L.66-2010, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 14. (a) All absentee ballots other than those specified in section 12.5 of this chapter shall be:**

- (1) prepared and printed under the direction of each county election board; and**
- (2) after December 31, 2024, printed on security paper that incorporates features which can be used to authenticate the ballot as an official ballot but which do not make the ballot identifiable to a particular voter.**

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

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

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

SECTION 79. IC 3-11-4-18, AS AMENDED BY P.L.100-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application. Each ballot may be assigned a unique tracking number as prescribed by the election division using IMb Tracing or a similar automated tracking method to provide real-time tracking**



information for the envelope containing the ballot. As used in this subsection, "IMb Tracing" refers to a real-time mail tracking service offered through the United States Postal Service.

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

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

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

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

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

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

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

SECTION 80. IC 3-11-8-15, AS AMENDED BY P.L.193-2021, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

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- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders and challengers.
- (6) Watchers.
- (7) Voters for the purposes of voting.
- (8) Minor children accompanying voters as provided under IC 3-11-11-8.
- (9) An assistant to a precinct election officer appointed under IC 3-6-6-39.
- (10) An individual authorized to assist a voter in accordance with IC 3-11-9.
- (11) A member of a county election board, acting on behalf of the board.
- (12) A **mechanic technician** authorized to act on behalf of a county election board to repair a voting system (if the **mechanic technician** bears credentials signed by each member of the board).
- (13) Either of the following who have been issued credentials signed by the members of the county election board:
 - (A) The county chairman of a political party.
 - (B) The county vice chairman of a political party.

However, a county chairman or a county vice chairman who is a candidate for nomination or election to office at the election may not enter the polls under this subdivision.
- (14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.
 - (b) Except for an individual described in subsection (a)(8) or (a)(10), an individual must be a citizen of the United States to be permitted in the polls during an election.
 - (c) The secretary of state may exempt an individual from the requirement to be a United States citizen.
 - (d) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.
 - (e) The inspector of a precinct has authority over all simulated election activities conducted under subsection (d) and shall ensure that the simulated election activities do not interfere with the election



conducted in that polling place.

SECTION 81. IC 3-11-10-1, AS AMENDED BY P.L.157-2019, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) A voter voting by absentee ballot shall make and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter then shall, except as provided in subsection (b), do the following:

- (1) Mark the ballot in the presence of no other person.
- (2) Fold each ballot separately.
- (3) Fold each ballot so as to conceal the marking.
- (4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided.
- (5) Securely seal the envelope.
- (6) ~~Do one (1) of the following:~~ **Return the envelope as permitted by section 24(e) of this chapter.**

~~(A) Deliver the envelope to the county election board, with not more than one (1) ballot per envelope, by United States mail or by a bonded courier company.~~

~~(B) Deliver the envelope to the county election board in person.~~

~~(C) Deliver the envelope to a member of the voter's household or a person designated as the attorney in fact for the voter under IC 30-5 for delivery to the county election board:~~

- ~~(i) in person;~~
- ~~(ii) by United States mail; or~~
- ~~(iii) by a bonded courier company.~~

(b) A voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6 is not required to comply with subsection (a). The individual designated by the circuit court clerk to receive absentee ballots transmitted by fax or electronic mail shall do the following upon receipt of an absentee ballot transmitted by fax:

- (1) Note the receipt of the absentee ballot in the records of the circuit court clerk as other absentee ballots received by the circuit court clerk are noted.
- (2) Fold each ballot received from the voter separately so as to conceal the marking.
- (3) Enclose each ballot in a blank absentee ballot envelope.
- (4) Securely seal the envelope.
- (5) Mark on the envelope: "Absentee Ballot Received by Fax or Electronic Mail".
- (6) Securely attach to the envelope the faxed affidavit received with the voter's absentee ballots.



(c) Except as otherwise provided in this title, absentee ballots received by fax or electronic mail shall be handled and processed as other absentee ballots received by the circuit court clerk are handled and processed.

SECTION 82. IC 3-11-10-11, AS AMENDED BY P.L.278-2019, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. ~~Not later than noon~~ On election day, the county voter registration office shall visit the appropriate post office to accept delivery of mail containing documentation submitted by a voter to comply with IC 3-7-33-4.5. The office shall immediately notify the county election board regarding the filing of this documentation.

SECTION 83. IC 3-11-10-24, AS AMENDED BY P.L.109-2021, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

- (1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
 - (A) a precinct election officer under IC 3-6-6;
 - (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 - (C) a challenger or pollbook holder under IC 3-6-7; or
 - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.
- (4) The voter is a voter with disabilities.
- (5) The voter is an elderly voter.
- (6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.
- (7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.
- (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- (9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.
- (10) The voter is an address confidentiality program participant



(as defined in IC 5-26.5-1-6).

(11) The voter is a member of the Indiana National Guard deployed or on assignment inside Indiana or a public safety officer.

(12) The voter is a serious sex offender (as defined in IC 35-42-4-14(a)).

(13) The voter is prevented from voting due to the unavailability of transportation to the polls.

(b) An absent uniformed services voter or overseas voter is entitled to vote by mail using the combined absentee registration form and absentee ballot request approved under 52 U.S.C. 20301(b)(2).

(c) A county shall mail an absentee ballot to a voter under this section by nonforwardable United States Postal Service mail.

(d) Except as provided in subsection (l), a voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(e) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall **do one (1) of the following:**

(1) Deliver the envelope to the county election board in person.

~~(2) deposit~~ **Deliver** the sealed envelope ~~in the to the county election board with not more than one (1) ballot per envelope, by United States mail for delivery to the county election board; or by a bonded courier company.~~

~~(3) Authorize~~ **(3) Authorize** a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or the individual designated as the voter's attorney in fact to **do one (1) of the following:**

(A) Deposit the sealed envelope in the United States mail. ~~or~~

(B) Deliver the sealed envelope in person to the county election board at:

(i) the office of the circuit court clerk or the office of the board of elections and registration under section 26 of this chapter;

(ii) a satellite office of the circuit court clerk designated under section 26.3 of this chapter; or



(iii) a satellite office of a vote center under IC 3-11-18.1-11. A voter who delivers the sealed envelope under this clause may request a replacement absentee ballot under IC 3-11.5-4-2 and cast a replacement absentee ballot at an office or vote center described in items (i) through (iii).

(f) A county election board shall reject an absentee ballot deposited in a drop box or other container or location that is not under the physical control and supervision of the county election board when the ballot is deposited.

(g) If a drop box or other container is located in a building under the control of a political subdivision in which a document may be deposited for other purposes related to the office of the circuit court clerk or an office of any other political subdivision, the political subdivision in control of the drop box or container shall post a notice on or in a prominent location adjacent to the drop box or container saying substantially as follows: "Do not deposit a voted absentee ballot into this box or container. The absentee ballot will not be counted."

(h) If an absentee ballot is deposited into a box or container in violation of subsection (f) or (g), the county election board shall mark the absentee ballot security envelope as rejected and, if possible, promptly notify the individual whose name appears on the security envelope containing the absentee ballot.

(i) If a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the election division. The affidavit must contain the following information:

- (1) The name and residence address of the voter whose absentee ballot is being delivered.
- (2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.
- (3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.
- (4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the



county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(j) The county election board shall record the date and time that the affidavit under subsection (i) was filed with the board.

(k) After a voter has mailed or delivered an absentee ballot to the office of the county election board, the voter may not recast a ballot, except as provided in IC 3-11-4-17.7, IC 3-11.5-4-2, and IC 3-11.5-4-21.

(l) A voter with print disabilities may vote by using the system developed by the secretary of state under IC 3-11-4-6(k).

SECTION 84. IC 3-11-10-26.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 26.8. Only the individuals described in IC 3-11-8-15 who are permitted to be in the polls during an election may be in the room where absentee voting is occurring under section 26 or 26.3 of this chapter.**

SECTION 85. IC 3-11-10-27, AS AMENDED BY P.L.193-2021, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. (a) This section does not apply to a ballot mailed to a voter under this chapter.

(b) Subject to IC 3-5-4-9, before a ballot is voted under section 25 of this chapter before an absentee voter board, it must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by the absentee voter board visiting the voter under section 25(b) of this chapter (except in a county subject to subsection (e)).

(c) Subject to IC 3-5-4-9, before a ballot is:

(1) voted under section 26 or 26.3 of this chapter; or

(2) placed in a secrecy envelope if it has been marked using a marking device for an optical scan ballot;

the ballot must bear the circuit court clerk's official seal and signature or facsimile signature. ~~and~~ **The absentee ballot must** be initialed by both absentee voter board members, or subject to subsection (e), the county election board or the board's designated representatives under IC 3-11-4-19. **In a county that provides a ballot marking device described in IC 3-11-13-7.5 for a voter to mark the voter's ballot while voting under section 26 or 26.3 of this chapter, the initials of the absentee voter board may be applied after the ballot has been marked by the voter and in a manner where the absentee voter**



board cannot see how the voter marked the voter's ballot.

(d) An absentee voter board member or county election board member or the member's representative shall not place the individual's initials on the absentee ballot:

- (1) until after the voter's application for that ballot has been approved; or
- (2) more than twenty-four (24) hours before the absentee ballot is provided to the voter.

A ballot initialed under this subsection must be under the control of two (2) individual members or representatives of opposite political parties until the ballot is provided to the voter.

(e) A county election board may adopt a resolution providing that the absentee ballots to be voted before an absentee voter board visiting the voter under section 25(b) of this chapter must be initialed by the county election board or the board's representatives under IC 3-11-4-19 and not by the absentee voter board visiting the voter. A resolution adopted under this subsection remains in effect until rescinded by the county election board. The election board may not rescind the resolution during the final sixty (60) days before an election.

(f) The initials must be:

- (1) in ink on the back of the ballot, in the person's ordinary handwriting or printing, and without a distinguishing mark of any kind; or
- (2) in a vote center county using an electronic poll list:
 - (A) printed on the back of the ballot by a printer separate from the electronic poll list, immediately before the ballot is delivered to the voter; and
 - (B) the initials of the county election board or the board's representatives captured through the electronic signature pad or tablet at the time the county election board or the board's representatives log into the electronic poll book system.

(g) A resolution adopted under subsection (e) may also provide that a precinct designation is not required to be preprinted on absentee ballots printed immediately before the ballot is delivered to a voter, but may be added in the same manner as the initials of the county election board or the board's representatives under IC 3-11-4-19 are added under subsection (f).

(h) No other initialing of the absentee ballot is necessary.

SECTION 86. IC 3-11-10-38, AS AMENDED BY P.L.109-2021, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 38. The voters appointed to the absentee voter boards under IC 3-11.5-4-22 shall be compensated in the following

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manner:

- (1) The boards that are sent to voters under section 25 of this chapter are entitled to a per diem and a sum for mileage at a rate determined by the county fiscal body.
- (2) The boards that are assigned to the circuit court clerk's office or a satellite facility under section 26 or 26.3 of this chapter are entitled to a per diem at a rate set by the county fiscal body.
- ~~(3) The absentee ballot couriers that are delivering lists to the precincts on election day are entitled to a per diem and a sum for mileage at a rate determined by the county fiscal body.~~

SECTION 87. IC 3-11-11-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1.3. For purposes of this chapter, an electronic device that is not an electronic poll book may be used at a precinct or vote center to display a sample ballot. For purposes of certification of voting systems under this article, an electronic device, the only function of which is the display of sample ballots, is not considered to be a voting system or part of a voting system.**

SECTION 88. IC 3-11-11-1.7, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1.7. (a) Each county election board shall provide an adequate number of sample ballots for each precinct of the county. The county election board shall arrange the sample ballots in the form of a diagram showing:**

- (1) the political party and independent tickets;
- (2) the offices to be filled;
- (3) the names of the candidates; and
- (4) the public questions;

in the same order in which they will occur on the official ballots printed under the jurisdiction of the election division and the county election board. However, if presidential electors are to be voted for at an election, then the ballot of each party or independent ticket must be in the form prescribed by IC 3-10-4-1.

(b) Each county election board shall provide either or both of the following for each precinct in the county:

- (1) An adequate number of sample ballots.**
- (2) An electronic form of the sample ballot arranged under subsection (a), if the county election board requires display of sample ballots using an electronic device under section 1.3 of this chapter.**

~~(b)~~ **(c) This subsection applies to a county having a population of**



more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000). At least ten (10) days before an election, each county election board shall duplicate, distribute, and cause to be posted copies of official sample ballots:

- (1) received from the election division; and
- (2) prepared by the county election board;

to schools, fire stations, county courthouses, and other public buildings in the county.

SECTION 89. IC 3-11-11-1.9, AS AMENDED BY P.L.278-2019, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.9. (a) Before the opening of the polls, the precinct election board shall compare the ballots with the sample ballots and determine whether the names, numbers, and letters are in agreement. The board then shall certify that the ballots and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

(b) This subsection applies when the county election board provides a precinct with a printed sample ballot under section 1.7 of this chapter. The inspector of each precinct, or a person under the direction of the inspector, shall post sample ballots near the entrance of the chute for the precinct. The ballots must be available for public inspection throughout election day.

(c) This subsection applies when the county election board provides a precinct with an electronic form of the sample ballot under section 1.7 of this chapter. The inspector of the precinct, or a person under the direction of the inspector, shall post a notice near the entrance of the chute for the precinct that the sample ballot for the precinct is available for review on an electronic device. The sample ballot must be made available for public inspection throughout election day.

~~(c)~~ **(d)** This subsection applies to a county using vote centers. Not later than the first date that a voter may cast a ballot at a vote center, the county election board shall do both of the following:

- (1) Make the comparison between the sample ballots, regular official ballots, and provisional ballots described in subsection (a).
- (2) Certify that the ballots are in agreement.

A copy of the certification shall be entered into the minutes of the county election board.

~~(d)~~ **(e)** This subsection applies to a county using vote centers. The county election board shall do both of the following:

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(1) Have copies of each sample ballot for each precinct available for inspection by a voter at each vote center.

(2) Post a notice in the vote center stating that sample ballots are available for inspection upon request by the voter.

(f) This subsection applies to a county using vote centers when the county election board provides the vote center with an electronic form of the sample ballot under section 1.7 of this chapter. The inspector of the vote center, or a person under the direction of the inspector, shall post a notice near the entrance of the chute for the vote center that the sample ballots for each precinct in the county are available for review on an electronic device. The sample ballots must be made available for public inspection throughout election day.

SECTION 90. IC 3-11-11-2, AS AMENDED BY P.L.221-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

(1) the boundaries of the chute designated;

(2) the ~~sample ballots and~~ instruction cards **and either the:**

(A) sample ballots; or

(B) notice under section 1.9(c) or 1.9(f) of this chapter;

posted; and

(3) everything put in readiness for the commencement of voting at the opening of the polls.

(b) At the opening of the polls, the inspector and judges shall see that there are no ballots in the ballot box before the voting begins. After the inspection of the box, the inspector shall:

(1) securely lock the box;

(2) give one (1) key to the judge of the opposite political party; and

(3) retain one (1) key.

(c) Once securely locked, the ballot box may not be opened again until after the polls have been closed and the precinct election board is ready to immediately proceed with the counting, except as otherwise provided for central counting.

(d) The voting booths or compartments must be of a size and design to permit a voter to mark ballots in secret.

SECTION 91. IC 3-11-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter



may make a voting mark on or in a large circle enclosing the device and before the name under which the candidates of the party ~~or group of petitioners~~ are printed. The voter's vote shall then be counted for all the candidates under that party name. ~~or for the two (2) candidates comprising an independent ticket.~~

SECTION 92. IC 3-11-13-9, AS AMENDED BY P.L.190-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. **(a)** The public officials charged with the duty of providing ballot cards or ballot labels shall also provide **either or both of the following:**

- (1) Sample ballots.
- (2) An electronic form of the sample ballot arranged under subsection (b), if the county election board requires display of sample ballots using an electronic device under section 10.5 of this chapter.**
- (b)** A sample ballot must be:
 - (1) a copy of the official ballot cards or ballot labels;
 - (2) arranged in the form of a diagram showing the front of the marking device as it will appear at the election; and
 - (3) altered so marks on the sample ballot cannot be counted as votes.

SECTION 93. IC 3-11-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. **(a) This subsection applies when the county election board provides a precinct with a printed sample ballot under section 9 of this chapter.** The appropriate precinct election officers shall post sample ballots near the entrance to the polls on election day and see that they are available to public inspection throughout the day.

(b) This subsection applies when the county election board provides a precinct with an electronic form of the sample ballot under section 9 of this chapter. The inspector of the precinct, or a person under the direction of the inspector, shall post a notice near the entrance of the chute for the precinct that the sample ballot for the precinct is available for review on an electronic device. The sample ballot must be made available for public inspection throughout election day.

(c) This subsection applies to a county using vote centers when the county election board provides the vote center with an electronic form of the sample ballot under section 9 of this chapter. The inspector of the vote center, or a person under the direction of the inspector, shall post a notice near the entrance of the chute for the vote center that the sample ballots for each precinct in the



county are available for review on an electronic device. The sample ballots must be made available for public inspection throughout election day.

SECTION 94. IC 3-11-13-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 10.5. For purposes of this chapter, an electronic device that is not an electronic poll book may be used at a precinct or vote center to display a sample ballot. For purposes of certification of voting systems under this article, an electronic device, the only function of which is the display of sample ballots, is not considered to be a voting system or part of a voting system.**

SECTION 95. IC 3-11-13-11, AS AMENDED BY P.L.193-2021, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

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

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-12.9(c), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold



type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

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

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

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

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

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

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

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

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

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:



(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

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

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

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

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

(k) The following information must be placed at the top of the ballot before the first public question is listed:

(1) The cautionary statement described in IC 3-11-2-7.

(2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party ~~or an independent~~ ticket ~~(described in IC 3-11-2-6)~~ by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party ~~or an independent~~ ticket ballot must be identified by:

(1) the name of the political party; ~~or independent~~ ticket ~~(described in IC 3-11-2-6)~~; and

(2) immediately below or beside the political party's ~~or independent~~ ticket's name, the device of that party ~~or ticket~~ (described in IC 3-11-2-5).

The name and device of each political party ~~or independent ticket~~ must be of uniform size and type and arranged in the order established by



subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 must be placed on the ballot label. The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, do not make a mark in this section and proceed to voting the ballot by office."

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of political parties or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

SECTION 96. IC 3-11-13-14, AS AMENDED BY P.L.109-2021, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) In partisan elections, the ballot labels must include a voting square or position where a voter may by one (1) voting mark on each card record a straight party ~~or an independent~~ ticket vote for all the candidates of one (1) political party, ~~or the independent ticket~~, except for offices for which the voter:

- (1) is required to cast an individual vote for a candidate under IC 3-11-7-4(b); or
- (2) has voted individually for a candidate for any other office.

~~(b) If the voter records a vote for the two (2) candidates comprising an independent ticket, the vote must not count for any other independent candidate on the ballot.~~

~~(c)~~ (b) A ballot label must not include a voting square or position to



permit a voter to cast a straight party ticket for a political party ~~or independent ticket~~ if:

- (1) there are no candidates of that political party; or
- (2) the only candidates of the political party are for election to offices to which more than one (1) individual is to be elected and which will not be credited with a vote under IC 3-12-1-7 if a voter casts a straight party ticket.

SECTION 97. IC 3-11-13-22, AS AMENDED BY P.L.135-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 22. (a) This section applies to:

- (1) a ballot card voting system; and
- (2) a voting system that includes features of a ballot card voting system and a direct record electronic voting system.

(b) Not later than seventy-four (74) days before election day, for each county planning to use automatic tabulating machines at the next election, VSTOP shall provide each county election board with a randomly sorted list of unique identification numbers for the inventory of machines in the county maintained under IC 3-11-16-4. Starting at the top of the list, the county election board shall select machines in the list in the order listed so that:

- (1) if a machine to be selected in the list is not scheduled to be used in the upcoming election, the selection process will move to the next machine in the order listed;
- (2) each selected machine is scheduled to be used in the upcoming election; and
- (3) the number of machines selected is not less than five percent (5%) of the machines in the county scheduled by the county election board to be used in the upcoming election.

(c) The county election board shall test the machines as described in subsection (b) to ascertain that the machines will correctly count the votes cast for straight party tickets, for all candidates (including write-in candidates), and on all public questions. If an individual attending the public test requests that additional automatic tabulating machines be tested, then the county election board shall select and test additional machines from the list in the manner described in subsection (b).

(d) If VSTOP does not provide the lists under subsection (b) not later than sixty (60) days before the election, the county election board shall establish and implement a procedure for random selection of not less than five percent (5%) of the machines in the county to be used in the upcoming election. The county election board shall then test the machines selected as described in subsection (c).



(e) Not later than seven (7) days after conducting the test under subsection (c), the county election board shall certify to the election division that the test has been conducted in conformity with subsection (c). The testing under subsection (c) must begin before absentee voting begins in the office of the circuit court clerk under IC 3-11-10-26.

(f) Public notice of the time and place shall be given at least forty-eight (48) hours before the test. The notice shall be published once in accordance with IC 5-3-1-4.

(g) If a county election board determines that:

(1) a ballot:

(A) must be reprinted or corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political party, or public question from the ballot; or

(B) is an absentee ballot that a voter is entitled to recast under IC 3-11.5-4-2 because the absentee ballot includes a candidate for election to office who:

(i) ceased to be a candidate; and

(ii) has been succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2; and

(2) ballots used in the test conducted under this section were not reprinted or corrected to remove the omission of a candidate, political party, or public question, or indicate the name of the successor candidate;

the county election board shall conduct an additional public test described in subsection (c) using the reprinted or corrected ballots. Notice of the time and place of the additional test shall be given in accordance with IC 5-14-1.5, but publication of the notice in accordance with IC 5-3-1-4 is not required.

(h) Notwithstanding IC 3-5-4-1.7, a county election board may send a signed form from a public test to the election division by electronic mail or fax.

SECTION 98. IC 3-11-13-27, AS AMENDED BY P.L.278-2019, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. (a) After the delivery of a ballot card voting system to a precinct **or vote center**, the precinct election board may meet at the polls on the same day and open the package containing the sample ballot cards, to determine whether the system is ready for use in accordance with section 16 of this chapter. If a ballot card voting system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done.

(b) While acting under subsection (a), the precinct election board



may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the boundaries of the chute designated;
- (2) the ~~sample ballots and~~ instruction cards **and either the:**
 - (A) sample ballots; or**
 - (B) notice under section 10(b) or 10(c) of this chapter;**
- posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

(d) Before the opening of the polls, the precinct election officers shall do the following:

- (1) Compare the ballot cards used in the marking device with the sample ballots furnished and determine whether the names, numbers, and letters are in agreement.
- (2) Determine that the system records that zero (0) votes have been cast for each candidate and on each public question.
- (3) Assure that the system is otherwise in perfect order.

(e) The officers then shall certify that:

- (1) the marking device and the sample ballots are in agreement;
- (2) the system records zero (0) votes cast; and
- (3) the system appears to be in perfect order.

Forms shall be provided for certification, and the certification shall be filed with the election returns.

(f) This subsection applies to a county using vote centers. Not later than the first date that a voter may cast a ballot at a vote center, the county election board shall do both of the following:

- (1) Make the comparison between the sample ballots, regular official ballots, and provisional ballots as provided in subsection (d).
- (2) Certify that the ballots are in agreement.

A copy of the certification shall be entered into the minutes of the county election board.

(g) This subsection applies to a county using vote centers. The county election board shall do ~~both~~ **all** of the following:

- (1) Have copies of each sample ballot for each precinct available for inspection by a voter at each vote center.
- (2) Post a notice in the vote center stating that sample ballots are available for inspection upon request by the voter.
- (3) Determine that the system records that zero (0) votes have**



been cast for each candidate and on each public question and complete the required certification under subsection (e).

SECTION 99. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 31.7. (a) This section is enacted to comply with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

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

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

(A) the candidates' names; or

(B) the numbers referring to the candidates; and

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

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

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

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

(1) the circle enclosing the device; or

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

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

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

(1) inserting a paper ballot or an optical scan ballot into the voting



system; or

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

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

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

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

SECTION 100. IC 3-11-14-3.5, AS AMENDED BY P.L.193-2021, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

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

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

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

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

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-12.9(c), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

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



first candidate:

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

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

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

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

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

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

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

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

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:



- (1) candidate; or
- (2) ticket of candidates for:
 - (A) President and Vice President of the United States; or
 - (B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the party order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

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

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

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

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

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

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

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

(m) Except as provided in section 14.5 of this chapter, the ballot label must include a touch sensitive point or button for voting a straight political party ~~or independent ticket (described in IC 3-11-2-6)~~ by one

- (1) touch, and the touch sensitive point or button must be identified by:
 - (1) the name of the political party; ~~or independent ticket;~~ and
 - (2) immediately below or beside the political party's ~~or independent ticket's~~ name, the device of that party ~~or ticket~~ (described in IC 3-11-2-5).



The name and device of each party ~~or ticket~~ must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 must be placed on the ballot label. The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, press "NEXT" (or replace "NEXT" with the term used by that voting system to permit a voter to skip a ballot screen) to continue voting."

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

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 101. IC 3-11-14-7, AS AMENDED BY P.L.194-2013, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. **(a)** ~~Each county election board shall provide the number of sample ballots the county election board considers adequate for each precinct of the county.~~ The county election board shall arrange ~~the~~ sample ballots in the form of a diagram showing the entire front of an electronic voting system as it will appear on the official ballots printed under the jurisdiction of the county election board. However, if presidential electors are to be voted for at an election, then the ballot label of each political party or independent ticket must be in the form prescribed by IC 3-10-4-1.

(b) ~~Each county election board shall provide either or both of the following for each precinct of the county:~~

- (1)** ~~The number of sample ballots the county election board considers adequate for each precinct.~~
- (2)** ~~An electronic form of the sample ballot arranged under subsection (a), if the county election board requires display of~~



sample ballots using an electronic device under section 18.5 of this chapter.

SECTION 102. IC 3-11-14-14.5, AS ADDED BY P.L.109-2021, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14.5. A ballot label must not include a touch sensitive point or button to permit a voter to cast a straight party ticket for a political party ~~or independent ticket~~ if:

- (1) there are no candidates of that political party; or
- (2) the only candidates of the political party are for election to offices to which more than one (1) individual is to be elected and which will not be credited with a vote under IC 3-12-1-7 if a voter casts a straight party ticket.

SECTION 103. IC 3-11-14-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. **(a) This section applies to each precinct and vote center.**

~~(a)~~ **(b)** After the delivery of an electronic voting system to a precinct, the precinct election board may meet at the polls on the same day, open the package containing the sample ballots, and, if necessary, examine the ballot label, to determine whether the system is ready for use in accordance with section 11 of this chapter. If a system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done.

~~(b)~~ **(c)** While acting under subsection ~~(a)~~; **(b)**, the precinct election board may restrict access to parts of the room where voting systems and other election material are being handled to safeguard this material.

SECTION 104. IC 3-11-14-17, AS AMENDED BY P.L.278-2019, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) Before the opening of the polls, each precinct election board shall:

- (1) compare the ballot label on each electronic voting system with the sample ballot to see that it is correct;
- (2) see that the system records zero (0) votes for each candidate and on each public question; and
- (3) see that the system is otherwise in perfect order.

(b) After the system is in perfect order for voting, the precinct election board may not permit the counters to be operated except by voters in voting. The board then shall certify that the ballot labels and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

(c) This subsection applies to a county using vote centers. Not later



than the first date that a voter may cast a ballot at a vote center, the county election board shall do both of the following:

- (1) Make the comparison between the sample ballots, regular official ballots, and provisional ballots described in subsection (a).
- (2) Certify that the ballots are in agreement.

A copy of the certification shall be entered into the minutes of the county election board.

(d) This subsection applies to a county using vote centers. The county election board shall do both of the following:

- (1) Have copies of each sample ballot for each precinct available for inspection by a voter at each vote center.
- (2) Post a notice in the vote center stating that sample ballots are available for inspection upon request by the voter.
- (3) Determine that the system records that zero (0) votes have been cast for each candidate and on each public question, and that the system is otherwise in perfect order. Each precinct election board shall then certify that the ballot labels are in order.**

SECTION 105. IC 3-11-14-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. **(a) This subsection applies when the county election board provides a precinct with a printed sample ballot under section 7 of this chapter.** The inspector of each precinct, or a person under the direction of the inspector, shall post sample ballots near the entrance of the chute for the precinct. The ballots must be available for public inspection throughout election day.

(b) This subsection applies when the county election board provides a precinct with an electronic form of the sample ballot under section 7 of this chapter. The inspector of the precinct, or a person under the direction of the inspector, shall post a notice near the entrance of the chute for the precinct that the sample ballot for the precinct is available for review on an electronic device. The sample ballot must be made available for public inspection throughout election day.

(c) This subsection applies to a county using vote centers when the county election board provides the vote center with an electronic form of the sample ballot under section 7 of this chapter. The inspector of the vote center, or a person under the direction of the inspector, shall post a notice near the entrance of the chute for the vote center that the sample ballots for each precinct in the county are available for review on an electronic device. The sample ballots must be made available for public inspection throughout



election day.

SECTION 106. IC 3-11-14-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 18.5. For purposes of this chapter, an electronic device that is not an electronic poll book may be used at a precinct or vote center to display a sample ballot. For purposes of certification of voting systems under this article, an electronic device, the only function of which is the display of sample ballots, is not considered to be a voting system or part of a voting system.**

SECTION 107. IC 3-11-14.5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 11. Notwithstanding IC 3-5-4-1.7, a county election board may send by electronic mail or fax a signed form from a public test to the election division.**

SECTION 108. IC 3-11-15-4, AS AMENDED BY P.L.71-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 4. (a) This section does not apply to an application for a de minimis change.**

(b) Each application for certification of a voting system shall be accompanied by a fee of five thousand dollars (\$5,000). All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.

SECTION 109. IC 3-11-15-59, AS AMENDED BY P.L.193-2021, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 59. (a) Whenever a county wishes to dispose of a voting system unit or an electronic poll book unit, the county election board must first file a plan with the election division. The plan must state all of the following:**

- (1) The serial number of each unit to be disposed of by the county.
- (2) The method to be used for disposal of the equipment, including sale, transfer, or destruction of the equipment and the details about how the equipment will be disposed of. **For purposes of this subdivision, a disposal method of an electronic poll book unit may include the deletion of any electronic poll book software on the unit and the repurposing of the unit as an electronic device to display an electronic form of a sample ballot under IC 3-11-3-25, IC 3-11-11-1.3, IC 3-11-13-10.5, and IC 3-11-14-18.5.**
- (3) That the disposal will occur in compliance with federal and

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state laws requiring the retention of election materials until the expiration of the period specified by those laws.

(4) The details regarding the person that will dispose of the equipment.

(b) If the election division approves the proposed plan, the election division shall notify:

(1) the county election board, which may then dispose of the equipment; and

(2) the voting system technical oversight program (VSTOP) (established by IC 3-11-16-2).

(c) A county may not dispose of a voting system unit or an electronic poll book unit by selling, transferring, or otherwise surrendering ownership to a person to which a voting system vendor is prohibited to sell, lease, or transfer possession of a voting system under section 60 of this chapter, except to the vendor from whom the county acquired the voting system unit or electronic poll book.

(d) A plan filed with the election division under this section is confidential.

SECTION 110. IC 3-11-17-7, AS AMENDED BY P.L.193-2021, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) A county election board shall file a report with the secretary of state and the election division not later than forty-eight (48) hours after receiving notice from a federal, state, or local government agency that:

(1) a voting system or electronic poll book has been improperly obtained or altered in a manner that violates Indiana law; or

(2) the data concerning the county maintained in the statewide voter registration system has been accessed or altered by a person in violation of Indiana law.

(b) A vendor of a voting system or electronic poll book shall file a report with the secretary of state and the election division not later than forty-eight (48) hours after discovering that an anomaly or problem has occurred in a voting system or electronic poll book due to technical or human error. However, if the anomaly or problem is discovered ~~not later less~~ than twenty-eight (28) days before **11:59 p.m. on** election day, the vendor must file a report not later than two (2) hours after discovering the anomaly or problem.

(c) The secretary of state and the co-directors of the election division may designate a person to aggregate, analyze, make recommendations, and subsequently report anomalies as requested by the secretary and the co-directors of the election division.

(d) The report described in subsection (b) must state all of the



following:

- (1) The nature of the anomaly or problem.
 - (2) The county, precinct, vote center, satellite office, or in-person absentee voting location affected.
 - (3) The vendor's preliminary plan to resolve the anomaly or problem by preventing any impediment to voters casting ballots, or to the accuracy and integrity of the election process.
 - (4) The date and time an anomaly was first experienced or discovered.
 - (5) The name and contact information for the individual discovering or experiencing the anomaly.
 - (6) The date and time the vendor first became aware of the anomaly.
 - (7) The name and contact information of the vendor representative submitting the report.
 - (8) Whether the anomaly involved a voting system, an electronic poll book, or a peripheral component of either a voting system or electronic poll book.
 - (9) The system type, make, model, hardware, firmware, and software version involved, as applicable.
 - (10) A detailed description of the anomaly and its effect on election administration.
 - (11) Any findings related to how and where the current or previously reported anomaly originated.
 - (12) Details of any responsive actions, such as investigation, analysis, determinations, and corrective action implemented or recommended, taken to address the anomaly and its effects.
- (e) After initially reported or otherwise known to a vendor, the vendor shall report the anomaly using the secretary of state anomaly reporting platform in the form and manner directed by the secretary of state and the election division not later than the deadline specified in subsection (b).
- (f) An anomaly caused solely by operator error is not required to be reported unless a deficiency in user instructions or training is a contributing factor. The burden of showing an anomaly was the result of operator error and not a deficiency of user instructions or training rests with the system vendor.
- (g) A vendor must report, not later than fourteen (14) days after discovery, an anomaly occurring outside Indiana involving the same election system type, make, model, or component certified for use in Indiana.
- (h) A voting system vendor shall report an anomaly involving a

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voting system to the commission and the United States Election Assistance Commission and file a copy with the secretary of state and the election division documenting receipt of the report.

(i) Each voting system and electronic poll book vendor shall:

- (1) file with the secretary of state and the election division a statement setting forth the name and contact information for the vendor that will be reporting anomalies; and
- (2) amend this filing not later than seven (7) days after the change occurs.

(j) The reporting process shall be completed using the secretary of state anomaly reporting platform as follows:

- (1) The secretary of state and the election division will request of each voting system and electronic poll book vendor the name and contact information for the vendor representative who will be reporting anomalies.
- (2) The secretary of state anomaly reporting platform will be made available to each vendor in an online format. Separate reporting locations in the secretary of state anomaly reporting platform will be provided to each vendor.
- (3) Each vendor will report each anomaly in the online location provided.
- (4) The person designated under IC 3-11-16 by the state to administer the program will have complete access to the information submitted through the secretary of state anomaly reporting platform.
- (5) The secretary of state and the election division shall send an acknowledgment by electronic mail to the vendor upon receiving the anomaly notification.

(k) A vendor must take reasonable measures to ensure a reported anomaly does not reoccur and retain documentation of any investigation, analysis, determinations, and corrective actions implemented or recommended for at least two (2) years after the anomaly is reported. Not later than noon fourteen (14) days after reporting the anomaly, a vendor shall file a corrective plan with the secretary of state and the election division.

SECTION 111. IC 3-11-18.1-9, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. The county ~~executive~~ **election board** shall publish notice of the location of each vote center in accordance with IC 3-11-8-3.2.

SECTION 112. IC 3-11-18.1-12, AS AMENDED BY P.L.193-2021, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2023]: Sec. 12. (a) Notwithstanding section 1 of this chapter, this section applies to an electronic poll book to be used in:

- (1) a precinct polling place, office of the circuit court clerk, or a satellite office in accordance with IC 3-7-29-6; or
- (2) a vote center under this chapter.

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

- (1) The electronic poll book must comply with IC 3-11-8-10.3.
- (2) The electronic poll book must be approved by the secretary of state in accordance with this section.
- (3) Except with prior written authorization by the VSTOP, the electronic poll book must have been delivered to the county election board not less than sixty (60) days before an election at which the electronic poll book is used.

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

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

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

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

- (1) Whether the electronic poll book would operate in compliance

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with this title.

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

(3) Whether VSTOP has conducted a field test.

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

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

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

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

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

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

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

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

(A) a state agency; or

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

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

(A) The name of the person and each representative scheduled to display or demonstrate the electronic poll book.

(B) The address and telephone number of the person.

(C) The model name of the electronic poll book.

(D) The name and manufacturer of the electronic poll book.



- (E) The date and location of the display or demonstration of the electronic poll book.
- (3) The person displays the electronic poll book with a notice that:
- (A) is at least 16 point type size;
 - (B) is posted on the surface of the electronic poll book; and
 - (C) states that the electronic poll book is "Not Approved for Use in Indiana".
- (4) The person ensures that each communication concerning the electronic poll book that is available or made at a conference referred to in subdivision (1) includes a statement that the electronic poll book is "Not Approved for Use in Indiana". A printed communication must include the statement in a type size that is at least as large as the largest type size used in the communication.

SECTION 113. IC 3-11.5-4-5, AS AMENDED BY P.L.109-2021, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) Upon receipt of the absentee ballot and not later than election day, the county election board, or the absentee board members in the office of the circuit court clerk, shall compare the signature of the voter on the absentee ballot application, or, if there is no application, with the signature on the electronic poll book, with the signature on:

- (1) the voter's absentee ballot envelope **or ballot secrecy waiver form**; or
- (2) the computerized list, if there is no envelope **or ballot secrecy waiver form**.

(b) If a county election board **unanimously** finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope, together with the voter's application for the absentee ballot, in a large or carrier envelope. If the county election board does not unanimously determine that the signature on a ballot envelope is genuine, the board shall also write on the ballot envelope described in subsection (c) or the transmitted affidavit from a voter under IC 3-11-4-6, the words "SIGNATURE DISPUTED". The board shall enclose in the same carrier envelope all absentee ballot envelopes and applications for the same precinct.

(c) The envelope shall be securely sealed and endorsed with the name and official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only on election day under IC 3-11.5."

SECTION 114. IC 3-11.5-4-7 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. Not later than ~~noon~~ **6 p.m.** on election day each circuit court clerk, or an agent of the clerk, shall visit the appropriate post office to accept delivery of absentee envelopes.

SECTION 115. IC 3-11.5-4-11, AS AMENDED BY P.L.109-2021, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) Upon receipt of the absentee ballot and not later than election day, the county election board shall examine the signature on the absentee ballot.

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

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

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

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1;

and has not updated the computerized list to reflect absentee ballots received on election day. ~~Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received; not later than noon on election day; an absentee ballot from a voter; the absentee ballot counters shall, in a central counting location designated by the county election board; count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct. After the receipt and processing required under sections 12 and 12.5 of this chapter to process an absentee ballot from a voter and after ensuring that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day, the absentee ballot~~



counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

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

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

After the receipt and processing required under sections 12 and 12.5 of this chapter to process an absentee ballot from a voter and after ensuring that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day, the absentee ballot counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

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

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

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

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

SECTION 116. IC 3-11.5-4-13, AS AMENDED BY P.L.109-2021, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be rejected:



- (1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:
 - (A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;
 - (B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or
 - (C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.
 - (2) The signatures do not correspond or there is no signature, and the signature mismatch or missing signature is not cured by the deadline established under section 13.5 or 13.6 of this chapter.
 - (3) The absentee voter is not a qualified voter in the precinct.
 - (4) The absentee voter has voted in person at the election.
 - (5) The absentee voter has not registered.
 - (6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.
 - (7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.
 - (8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.
 - (9) The ballot has been challenged and there is no absentee ballot application from the voter to support the absentee ballot.
- (b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:
- (1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or
 - (2) on an absentee ballot security envelope that corresponds with the voter's signature:
 - (A) in the records of the county voter registration office; or
 - (B) on the absentee ballot application.
- (c) The voter may request that the voter's signature or mark be attested to by any of the following:
- (1) The absentee voter board under section 22 of this chapter.
 - (2) A member of the voter's household.



(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) This subsection does not apply to an absentee ballot rejected under this section based on a finding that the voter's signature on the absentee ballot security envelope affidavit does not correspond to any signature on the voter's absentee ballot application. The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot

~~(1) has been rejected under this section or~~

~~(2) has not been received by the county by noon on election day and will not be counted under section 10 of this chapter;~~

if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 117. IC 3-11.5-4-21, AS AMENDED BY P.L.157-2019, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 21. If an envelope containing a voter's absentee ballot has been marked "Rejected", ~~or a voter's absentee ballot has been received by noon on election day and will not be counted under section 10 of this chapter,~~ and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person if the voter presents the precinct election board with the certificate issued under section 13(f) of this chapter.

SECTION 118. IC 3-12-1-16, AS AMENDED BY P.L.219-2013, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 16. (a) This section applies when:

(1) a ballot is reprinted under IC 3-11-3-29.5(d) to omit the name of ~~an individual who is no longer~~ a **former** candidate; and

(2) the candidate vacancy is filled following the reprinting of the ballots.

(b) A vote cast on the ballot where the statement "NO CANDIDATE" ~~or "CANDIDATE DECEASED"~~ **or words indicating that there was a former candidate** appears is considered a vote cast for the successor candidate.

SECTION 119. IC 3-12-1-18, AS ADDED BY P.L.66-2010, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2023]: Sec. 18. (a) This section applies to a federal write-in absentee ballot cast in a primary election as provided in IC 3-11-4-12.5(b)(1) by an absent uniformed services voter or overseas voter.

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

- (1) The voter votes for more than one (1) candidate, and the candidates are not on the official primary ballot of the same political party.
- (2) The voter votes for a candidate who is not on the official primary ballot of any political party.
- (3) The voter votes for a candidate who is on the official primary ballot of a political party, but the voter does not indicate the office for which the candidate seeks to be nominated.

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

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

SECTION 120. IC 3-12-3-2.2, AS ADDED BY P.L.193-2021, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.2. (a) This section does not apply to an electronic poll book or voting system subject to an impoundment order issued by a court or a recount commission until the impoundment order is rescinded.

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

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

- (1) the county election board;
- (2) teams consisting of at least two (2) individuals that:
 - (A) are designated by the county election board;
 - (B) are affiliated with a political party entitled to nominate an individual to serve as an appointed member of the county election board; and



(C) have at least two (2) individuals on the team who are not members of the same political party; or
 (3) a commercial delivery entity operating under a contract with the county election board;

shall return all voting systems from the polls for the precinct or from the vote centers to a storage facility to be secured under IC 3-11-15-46.

(d) The county election board may not:

(1) designate any individual to serve on a team if the individual is:

- (A) imprisoned;
- (B) subject to lawful detention;
- (C) on probation;
- (D) on parole;
- (E) subject to home detention; or
- (F) placed in a community corrections program; or

(2) permit a commercial delivery entity to allow any individual who is:

- (A) imprisoned;
- (B) subject to lawful detention;
- (C) on probation;
- (D) on parole;
- (E) subject to home detention; or
- (F) placed in a community corrections program;

to have access to or return a voting system.

(e) If a county election board uses the teams or a commercial delivery entity described in subsection (c), the board shall require that:

- (1) two (2) members of each team who are not members of the same political party; or
- (2) the commercial delivery entity;

execute a certificate setting forth the information set forth in subsection (f).

(f) The certificate required in subsection (e) must be signed by the two (2) members of each team described in subsection (c) or by an individual authorized to act on behalf of the commercial delivery entity described in subsection (c). The certificate must include the following:

- (1) That the voting systems remained in the custody and control of each individual during the period beginning when the voting systems were received ~~from the county election board~~ **at the polls** and ending when the voting systems were returned to the location designated for securing voting systems under IC 3-11-15-46.
- (2) That no individual other than a team member or an individual acting on behalf of the commercial delivery entity had access to



any voting system.

(3) That an individual documented receipt of the voting system at the location when the system was returned.

(4) The:

(A) written name and signature of the individual; and

(B) date that the voting system was delivered to the custody of that individual.

(g) Immediately upon any return of a voting system, the completed certificate must be filed with the county election board.

SECTION 121. IC 3-12-3.5-4.5, AS ADDED BY P.L.193-2021, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.5. (a) This section does not apply to an electronic poll book or voting system subject to an impoundment order issued by a court or a recount commission until the impoundment order is rescinded.

(b) This subsection applies to an electronic poll book. The inspector and judge of the opposite political party shall immediately deliver all electronic poll books from a precinct polling location or vote center to the county election board with the other election material described in IC 3-12-3-2(b). The county election board shall secure the electronic poll books in accordance with the requirements of IC 3-11-15-46.

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

(1) the county election board;

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

(A) are designated by the county election board;

(B) are affiliated with a political party entitled to nominate an individual to serve as an appointed member of the county election board; and

(C) have at least two (2) individuals on the team who are not members of the same political party; or

(3) a commercial delivery entity operating under a contract with the county election board;

shall return all voting systems from the polls for the precinct or from the vote centers to a storage facility to be secured under IC 3-11-15-46.

(d) The county election board may not:

(1) designate any individual to serve on a team if the individual is:

(A) imprisoned;

(B) subject to lawful detention;

(C) on probation;

(D) on parole;



- (E) subject to home detention; or
- (F) placed in a community corrections program; or
- (2) permit a commercial delivery entity to allow any individual who is:
 - (A) imprisoned;
 - (B) subject to lawful detention;
 - (C) on probation;
 - (D) on parole;
 - (E) subject to home detention; or
 - (F) placed in a community corrections program;

to have access to or return a voting system.

(e) If a county election board uses the teams or a commercial delivery entity described in subsection (c), the board shall require that:

- (1) two (2) members of each team who are not members of the same political party; or
- (2) the commercial delivery entity;

execute a certificate setting forth the information set forth in subsection (f).

(f) The certificate required in subsection (e) must be signed by the two (2) members of each team described in subsection (c) or by an individual authorized to act on behalf of the commercial delivery entity described in subsection (c). The certificate must include the following:

- (1) That the voting systems remained in the custody and control of each individual during the period beginning when the voting systems were received ~~from the county election board~~ **at the polls** and ending when the voting systems were returned to the location designated for securing voting systems under IC 3-11-15-46.
- (2) That no individual other than a team member or an individual acting on behalf of the commercial delivery entity had access to any voting system.
- (3) That an individual documented receipt of the voting system at the location when the system was returned.
- (4) The:
 - (A) written name and signature of the individual; and
 - (B) date that the voting system was delivered to the custody of that individual.

(g) Immediately upon any return of a voting system, the completed certificate must be filed with the county election board.

SECTION 122. IC 3-12-5-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 18. (a) This section applies if the individual:**

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- (1) holds a local office;
- (2) is elected to another term in that office; and
- (3) dies or is otherwise disqualified to serve in the office before the date that the individual's next term is scheduled by law to begin.

(b) Upon notice of the death or disqualification being given to the person or entity provided to receive notice of the death of an officeholder under IC 5-8-6, the vacancy shall be filled in accordance with IC 3-13.

SECTION 123. IC 3-12-6-16, AS AMENDED BY P.L.194-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 16. (a) A recount commission consists of three (3) persons.

(b) Two (2) members of the commission must be voters who:

- (1) are members of different major political parties of the state; and
- (2) were qualified to vote at the election in a county in which the election district for the office is located.

(c) This subsection applies to a recount commission conducting a recount of an election in which only paper ballots were used. The third member of the commission must be a person who:

- (1) is a member of a major political party of the state; and
- (2) was qualified to vote at the election in the election district of the office.

(d) This subsection applies to a recount of an election in which a voting method other than only paper ballots was used. The third member of the commission must be a competent ~~mechanic~~ **technician** who is familiar with the ballot card voting systems or electronic voting systems used in that election. The ~~mechanic~~ **technician** is not required to be qualified to vote at the election in a county in which the election district for the office is located.

SECTION 124. IC 3-12-13-7, AS AMENDED BY P.L.115-2022, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) The secretary of state shall issue orders to implement and administer the requirements of this chapter **if a petition for recount or contest filed under this article affecting the county has not been filed. If a petition for a recount or contest has been filed affecting the county, then the deadline to complete a post-election audit is not later than sixty (60) days after completion of the recount or contest.**

(b) In issuing an order under subsection (a), the secretary of state shall:



(1) consult with recognized statistical experts, equipment vendors, the election division, and county election officials; and

(2) consider best practices for conducting post-election audits.

(c) A post-election audit shall be completed not later than:

(1) the final Friday in June following a primary election;

(2) December 20 following a general election, if a petition for a recount or contest that affects the county has not been filed under this article; or

(3) sixty (60) days following completion of the recount or contest, if a petition for a recount or contest that affects the county has been filed under this article.

SECTION 125. IC 3-13-1-10.5, AS AMENDED BY P.L.193-2021, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10.5. (a) This section applies only to a meeting of a caucus required under this chapter. This section does not apply to the filling of a vacancy by the county chairman or a committee acting under section 6(b)(2) of this chapter.

(b) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the election division with:

(1) the chairman of the caucus conducting a meeting under this chapter; and

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter; at least seventy-two (72) hours before the time fixed for the caucus meeting.

(c) A candidate's declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by ~~IC 3-5-7-6(e)~~. **IC 3-5-7-6(d)**. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

(d) A candidate's declaration of candidacy must contain the following statements:

(1) This subdivision applies to a candidate filing a declaration of candidacy for a state office, legislative office, local office of judge



of a circuit, superior, probate, or small claims court, or local office of prosecuting attorney of a judicial circuit. A statement that the candidate has attached either of the following to the declaration:

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

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

This requirement does not apply to a candidate for a federal office.

(2) This subdivision applies to a candidate filing a declaration of candidacy for a local office not described in subdivision (1) or school board office. A statement that the candidate understands that if the candidate is selected to fill the candidate vacancy, the candidate is required to file a statement of economic interests under IC 3-8-9-5.

(3) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(4) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(5) A statement that the candidate:

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

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

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subsection.

SECTION 126. IC 3-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies to the filling of a candidate vacancy ~~that exists due to the:~~

~~(1) death of a political party's candidate;~~

~~(2) withdrawal of a candidate who has moved from the election~~



district;

~~(3) disqualification of a candidate under IC 3-8-1-5; or~~

~~(4) issuance of a court order under IC 3-8-7-29(d);~~

of a former candidate for nomination or election to an office at a general, municipal, or special election after the thirty-first day before a general, municipal, or special election.

SECTION 127. IC 3-13-2-7, AS AMENDED BY P.L.76-2014, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) The selection of a person as a candidate under this chapter is not effective unless:

(1) the person's written consent is obtained and filed:

(A) in the office in which certificates and petitions of nomination must be filed; and

(B) when the certificate is filed; and

(2) the candidate has complied with any requirement under IC 3-8-1-33 to file a statement of economic interests.

(b) A candidate's consent must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent. If there is a difference between the name on the candidate's consent and the name on the candidate's voter registration record, the officer with whom the consent is filed shall forward the information to the voter registration officer of the appropriate county as required by ~~IC 3-5-7-6(e)~~. **IC 3-5-7-6(d)**. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent.

(c) A candidate's consent must contain the following statements:

(1) A statement that the candidate has attached either of the following to the consent:

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

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

This requirement does not apply to a candidate for a federal office.

(2) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(3) A statement that the candidate understands that if the



candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(4) A statement that the candidate:

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

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

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subsection.

SECTION 128. IC 3-13-10-2, AS AMENDED BY P.L.278-2019, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) A vacancy in the office of township trustee:

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

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

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

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

(c) The meeting shall be held not later than thirty (30) days after:

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

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

(d) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

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

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

(e) If the vacancy:

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

(2) exists because of the death of the township trustee;

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

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required by subsection (b) until the county ~~auditor~~ **circuit court clerk** receives notice of the death under IC 5-8-6.

(f) If the vacancy:

- (1) is covered by section 1 of this chapter;
- (2) exists because of the death of the township trustee; and
- (3) exists for more than thirty (30) days;

the meeting required under subsection (c) shall be held not later than sixty (60) days after the county ~~auditor~~ **circuit court clerk** receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county ~~auditor~~ **circuit court clerk** receives notice of the death under IC 5-8-6.

SECTION 129. IC 3-13-10-4, AS AMENDED BY P.L.278-2019, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) A vacancy on the township board of a township:

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

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

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

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

- (1) the vacancy occurs, if the vacancy is not covered by section 1 of this chapter; or
- (2) the applicable deadline for a major political party to fill the vacancy as set forth in IC 3-13-11-3.

(d) The notice must:

- (1) be in writing;
- (2) state the purpose of the meeting;
- (3) state the date, time, and place of the meeting; and
- (4) be sent by first class mail to each commissioner at least ten (10) days before the meeting.

(e) If a vacancy:

- (1) is not covered by section 1 of this chapter; and
- (2) exists because of the death of a township board member;

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

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(f) If a vacancy:

- (1) is covered by section 1 of this chapter;
- (2) exists because of the death of a township board member; and
- (3) exists for more than thirty (30) days;

the meeting required by subsection (c) shall be held not later than sixty (60) days after the county ~~auditor~~ **circuit court clerk** receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county ~~auditor~~ **circuit court clerk** receives notice of the death under IC 5-8-6.

SECTION 130. IC 3-13-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) This section does not apply to the office of a judge **or a member of a fiscal or legislative body.**

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

SECTION 131. IC 3-14-2-19, AS AMENDED BY P.L.158-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 19. (a) A person who knowingly:

- (1) forges or falsely makes the official endorsement of a ballot; or
- (2) prints or circulates an imitation ballot;

commits a Level 6 felony.

(b) This section does not prohibit the:

- (1) printing or circulation of a sample ballot or a reproduction of an official ballot if the sample or reproduction complies with IC 3-9-3-2.5 and the printing or circulation does not violate IC 3-14-1-2; or**
- (2) displaying of a sample ballot under IC 3-11-3-25, IC 3-11-11-1.3, IC 3-11-13-10.5, or IC 3-11-14-18.5.**

SECTION 132. IC 3-14-5-2, AS AMENDED BY P.L.157-2019, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) Each precinct election board shall, at the close of the polls, place ~~any affidavit prescribed by IC 3-6-6-12 for use on election day to determine the eligibility of a precinct election officer~~ **and any affidavit prescribed by IC 3-10-1-9 to challenge the party affiliation of a person wishing to cast a ballot in a primary election in a strong paper bag or envelope and securely seal it.** Each member shall endorse that member's name on the back of the bag or envelope.

(b) Each precinct election board shall, at the close of the polls, place any affidavit other than an affidavit described in subsection (a) that is



challenging the eligibility of a person who has offered to vote at a primary election in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

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

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

(d) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.

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

- (1) the court; and
- (2) the NVRA official if a violation of NVRA appears to have occurred.

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

SECTION 133. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

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

- (1) Of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.
- (2) Of the circuit court clerk, officers of a political subdivision or school corporation, and constables of a small claims court, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school



corporation.

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

SECTION 134. IC 5-8-6-3, AS AMENDED BY P.L.278-2019, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) A person who knows of the death of an officeholder may certify the death to the following:

- (1) The governor, in the case of the death of any of the following:
 - (A) An individual who holds a state office (as defined in IC 3-5-2-48).
 - (B) An individual who is a judge of a circuit, superior, small claims, probate, or city court.
- (2) The secretary of state, in the case of the death of an individual who holds a legislative office (as defined in IC-3-5-2-28).
- (3) The ~~prosecuting attorney~~ and circuit court clerk of the county in which the officeholder resided, in the case of the death of an officeholder of a county, city, town, township, or school corporation not covered under subdivision (1).

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

- (1) state the information that causes the person to believe the officeholder has died; and
- (2) certify, under the penalties for perjury, that to the best of the person's knowledge and belief, the information stated is true.

SECTION 135. IC 20-46-1-14, AS AMENDED BY P.L.278-2019, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the appellant school corporation are entitled to vote after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than noon:

- (1) seventy-four (74) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or
- (2) August 1 if the question is to be placed on the general or municipal election ballot.

(b) However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the appellant school corporation requests the public question to be placed on the ballot at a special election, the public question shall be



placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon:

- (1) ~~sixty (60)~~ **seventy-four (74)** days before a special election to be held in May (if the special election is to be held in May); or
- (2) on August 1 (if the special election is to be held in November).

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

SECTION 136. IC 20-46-9-14, AS AMENDED BY P.L.109-2021, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the school corporation are entitled to vote after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than noon:

- (1) seventy-four (74) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or
- (2) August 1 if the question is to be placed on the general or municipal election ballot.

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

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

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

SECTION 137. IC 29-1-8-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 12. 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.

SECTION 138. IC 33-23-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) As used in this chapter, "judge" means a judge of the court of appeals, the tax court, or a circuit, superior, county, small claims, or probate court, **city court, or town court.**

(b) The term includes a judge pro tempore, commissioner, or hearing officer if the judge pro tempore, commissioner, or hearing officer sits more than twenty (20) days other than Saturdays, Sundays, or holidays in one (1) calendar year as a judge, commissioner, or hearing officer in any court.

SECTION 139. IC 33-24-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. The statement filed under section 2 of this chapter must include a statement that the justice requests the name on the justice's voter registration record be the same as the name the justice uses on the statement. If there is a difference between the name on the justice's statement and the name on the justice's voter registration record, the officer with whom the statement is filed shall forward the information to the voter registration officer of the appropriate county as required by ~~IC 3-5-7-6(e)~~. **IC 3-5-7-6(d)**. The voter registration officer of the appropriate county shall change the name on the justice's voter registration record to be the same as the name on the justice's statement.

SECTION 140. IC 33-25-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. The statement filed under section 2 of this chapter must include a statement that the judge requests the name on the judge's voter registration record be the same as the name the judge uses on the statement. If there is a difference between the name on the judge's statement and the name on the judge's voter registration record, the officer with whom the statement is filed shall forward the information to the voter registration officer of the appropriate county as required by ~~IC 3-5-7-6(e)~~. **IC 3-5-7-6(d)**. The voter registration officer of the appropriate county shall change the name on the judge's voter registration record to be the same as the name on the judge's statement.

SECTION 141. IC 36-1-8-10, AS AMENDED BY P.L.86-2018, SECTION 336, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) As used in this section, "board" means an administration, an agency, an authority, a board, a bureau, a commission, a committee, a council, a department, a division, an institution, an office, a service, or another similarly designated body



of a political subdivision.

(b) Whenever a law or political subdivision's resolution requires that an appointment to a board be conditioned upon the political affiliation of the appointee, or that the membership of a board not exceed a stated number of members from the same political party, at the time of an appointment, one (1) of the following must apply to the appointee:

(1) The **two (2)** most recent primary ~~election~~ **elections** in Indiana in which the appointee voted ~~was a~~ **were both** primary ~~election~~ **elections** held by the party with which the appointee claims affiliation. **The requirement of this subdivision applies only to an individual appointed after June 30, 2023. An individual appointed before July 1, 2023, is required to satisfy the requirements of this subdivision only as in effect before July 1, 2023.**

(2) If the appointee has never voted in a primary election in Indiana, the appointee is certified as a member of that party by the party's county chair for the county in which the appointee resides.

(c) If a certification by a county chair of a political party is required under subsection (b), the certification must be filed with the office of the circuit court clerk not later than the time the appointee's oath of office is filed with the clerk under IC 5-4-1. If the county chair's certification is not filed with the circuit court clerk's office as required by this subsection, the appointment is void.

(d) Notwithstanding any other law, if the term of an appointed member of a board expires and the appointing authority does not make an appointment to fill the vacancy, both of the following apply:

(1) The member may continue to serve on the board for only ninety (90) days after the expiration date of the member's term.

(2) The county chair of the political party of the member whose term has expired shall make the appointment.

SECTION 142. IC 36-2-3-4, AS AMENDED BY P.L.105-2022, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) This subsection does not apply to the following counties:

(1) A county having a population of more than four hundred thousand (400,000) and less than seven hundred thousand (700,000).

(2) A county having a population of more than two hundred fifty thousand (250,000) and less than three hundred thousand (300,000).

The county executive shall, by ordinance, divide the county into four (4) ~~contiguous~~, single-member districts that comply with subsection



(d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

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

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

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

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

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

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

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

- (1) adopted under subsection (e); or



(2) recertified under subsection (f).

(h) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

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

SECTION 143. IC 36-6-6-2.3, AS AMENDED BY P.L.278-2019, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.3. (a) This section does not apply to a township board in a county containing a consolidated city.

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

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

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

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

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

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

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

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

(e) If fewer candidates are elected than the number of board



members to be elected, the incumbent board member or members that hold office under Article 15, Section 3 of the Constitution of the State of Indiana shall be determined under IC 3-13-10-6.5 by the county executive. The county executive shall determine the length of the term of each incumbent board member if more than one (1) incumbent board member continues to hold office under Article 15, Section 3 of the Constitution of the State of Indiana. The county executive shall consider any applicable language in the resolution adopted by the township in making this determination.

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

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

- (1) The resolution may not be repealed earlier than twelve (12) years after the resolution was adopted.
- (2) The resolution may be repealed only in a year in which an election for members of the township board is not held.
- (3) The resolution must provide for the election of all members of the township board at the next general election. Notwithstanding subsection (c)(2) and section 2 of this chapter, the term of all the members of the township board ends January 1 after the next general election.
- (4) The term of office of the members elected at the next general election is four (4) years, beginning January 1 after that general election.

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

- (1) must be filed with the circuit court clerk before January 1 of a year in which an election of board members is scheduled to be held; and
- (2) takes effect when the ~~ordinance~~ **resolution** is filed with the circuit court clerk.

SECTION 144. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1336 — Concur

