

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1365

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 1.8. "Anomaly" means an action or response by a voting system or electronic poll book that:**

- (1) does not conform with the specifications or perform as certified and is critical to the administration of elections;**
- (2) causes a delay or disruption to voting or vote tabulation;**
- or**
- (3) occurs due to a root cause that is unable to be determined within forty-eight (48) hours after initial discovery by the vendor or county.**

SECTION 2. IC 3-5-2-16.3, AS ADDED BY P.L.76-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.3. ~~(a)~~ "De minimis change", with respect to a certified voting system's **or a certified electronic poll book's hardware, software, technical documentation, or data**, refers to a change ~~to the hardware~~, ~~the nature of which~~ will not materially alter the system's reliability, functionality, capability, or operation. **A change is not a de minimis change if**

- ~~(b) For a hardware change to qualify as a de minimis change, the~~



change must:

- (1) maintain, unaltered, the reliability, functionality, capability, and operability of a system; and
 - (2) ensure that when hardware is replaced, the original hardware and the replacement hardware are electronically and mechanically interchangeable and have identical functionality and tolerances.
- (c) The following are not de minimis changes:
- (1) Software and firmware modifications.
 - (2) the change has reasonable and identifiable potential to affect the **voting system's or electronic poll book's** operation and compliance with applicable **voting system standards. Indiana law.**

SECTION 3. IC 3-5-2-20.5, AS ADDED BY P.L.64-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. "Electronic poll book" means the combination of mechanical, electromechanical, and electronic equipment (including the software, firmware, ~~and~~ documentation, ~~and~~ **backend infrastructure and services, including cloud platform services**, required to program, control, and support the equipment) that is used to access and maintain the electronic poll list.

SECTION 4. IC 3-5-4-1.3, AS ADDED BY P.L.278-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.3. (a) Not later than the close of one (1) business day after a person files a declaration of candidacy, a request for placement on the presidential primary ballot, a certificate of nomination by a convention, a certificate of nomination by petition, a certification of candidate selection to fill a ballot vacancy, or a declaration of intent to be a write-in candidate in the office of the election division or circuit court clerk, the election division or circuit court clerk shall send a statement to the candidate by:

- (1) hand delivery;
- (2) first class United States mail; or
- (3) electronic mail, if an electronic mail address has been provided by the person;

to the mailing address or electronic mail address set forth in the document filed with the office.

- (b) The statement must set forth the following:
- (1) That the candidate has filed the document described in subsection (a).
 - (2) The name of the candidate.
 - (3) The office for which the individual is a candidate.
 - (4) The date on which the document was filed.



(5) That acceptance of the document for filing does not prevent the filing from being challenged in the manner set forth in this title.

(c) The circuit court clerk shall enter:

(1) the name and other information provided by each candidate for an elected office or a political party office who files a document described in subsection (a) with the county election board; and

(2) the text of a public question certified to the county election board under IC 3-10-9;

into the election management module of the statewide voter registration system not later than the deadline for estimating the number of ballots required to be printed under IC 3-11-4-10.

SECTION 5. IC 3-5-4-12, AS ADDED BY P.L.135-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) ~~Not later than July 1, 2020;~~ Each county shall enter into an agreement with the secretary of state to use a threat intelligence and enterprise security company designated by the secretary of state to provide hardware, software, and services to:

- (1) investigate cybersecurity attacks;
- (2) protect against malicious software; and
- (3) analyze information technology security risks.

(b) The agreement to provide services to a county under this section:

- (1) has no effect on any threat intelligence and enterprise security service provided to the county by any other agreement with a provider or by any county employee or contractor; and
- (2) must be designed to complement any existing service agreement or service used by the county;

when the county enters into the agreement. This section expires January 1, 2023.

SECTION 6. IC 3-5-7-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5.5. (a) This section does not apply to any of the following:**

- (1) A voter verifiable paper audit trail.**
- (2) The return printed by the automatic tabulating machine under IC 3-12-3-2.**
- (3) The paper vote total printouts from the electronic voting system under IC 3-12-3.5-2.**
- (4) The name of a candidate printed on a ballot card by a marking device.**

(b) The requirements of this section apply only to a voting



system initially certified for marketing and use in Indiana elections after January 1, 2022.

(c) If a candidate's legal name designated under this chapter includes a universally recognized pronunciation symbol, including an accent, hyphen, tilde, or umlaut, a:

- (1) ballot;
- (2) voting system screen;
- (3) voting system activation card;
- (4) voting system file; and
- (5) voting system results report;

must display the symbol as part of the candidate's name.

SECTION 7. IC 3-6-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) Each county election board shall submit a report to the election division after each primary, special, municipal, and general election describing the activities of the board during the previous year. The board shall include the following in the report:

- (1) Information relating to the expenses of office maintenance and elections within the county or political subdivisions within the county.
- (2) A copy of the statement of the county election board containing the votes cast for each candidate and on each public question in each precinct at the last election preceding the submission of the report.
- (3) Any additional information relating to elections that the commission prescribes.

(b) The report described in subsection (a) must be ~~postmarked, hand delivered, or~~ transmitted to the election division using the computerized list under IC 3-7-26.3 not later than fourteen (14) days after each election.

(c) The election division shall send a copy of each report to the office not later than ten (10) days after receiving the report.

SECTION 8. IC 3-6-5-17.5, AS AMENDED BY P.L.128-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17.5. (a) As required by 52 U.S.C. 20302(c), each county election board shall submit a report to the election division after each general election setting forth the combined number of absentee ballots:

- (1) transmitted by the county election board to absent uniformed services voters and overseas voters for the election; and
- (2) returned by absent uniformed services voters and overseas voters and cast in the election.



(b) The report must be:

- (1) ~~postmarked or hand delivered~~ **transmitted** to the election division **using the computerized list under IC 3-7-26.3** not later than fourteen (14) days after the election; and
- (2) in the form prescribed by the federal Election Assistance Commission under Section 703(b) of HAVA (52 U.S.C. 20302 (note)).

SECTION 9. IC 3-6-6-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 38. (a) As used in this section, "omitted precinct election officer" refers to a precinct election officer that a precinct is not required to have by a resolution adopted under this section.

(b) Notwithstanding other provisions of this title, a county election board may adopt a resolution to provide that specified precincts or all precincts of the county are not required to have any or all of the following precinct election officers:

- (1) Sheriffs.
- (2) Poll clerks.

(c) A resolution adopted under this section must be adopted by unanimous vote of the entire membership of the board.

(d) A resolution adopted under this section must state the following:

- (1) The precincts to which the resolution applies.
- (2) For each precinct identified in the resolution, which precinct election officers are omitted precinct election officers.
- (3) For each precinct identified in the resolution, which precinct election officers will perform the duties required by this title of the omitted precinct election officers.

(e) Notwithstanding any other law, the precinct election officer specified in a resolution adopted under this section shall perform the duties of the omitted precinct election officers as stated in the resolution.

(f) A resolution adopted under this section expires December 31 after the resolution is adopted.

(g) If a vacancy exists in the office of the sheriff in a precinct and:

- (1) no resolution designating the precinct election officer to perform the duties of the sheriff has been adopted under this section; or**
- (2) the vote center plan adopted by the county does not specify which precinct election officer is to perform the duties of the sheriff;**

then the judge of the precinct (or the precinct election officer



designated to perform the duties of the election sheriff under a county vote center plan) serves as election sheriff until the vacancy is filled by the county election board.

SECTION 10. IC 3-7-26.3-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 36. (a) This section applies when a voter transfers the voter's registration from one (1) Indiana county to another Indiana county after an election but before the county voter registration official adds to the voter's registration record the information that the voter voted in an election under IC 3-10-1-31.2.**

(b) The computerized list must allow the county voter registration official of the county where the voter voted in the election immediately before the voter transferred the voter's registration to the other Indiana county to add to the voter's registration record that the voter voted in the election even if the voter's registration is canceled in the county.

SECTION 11. IC 3-7-26.4-4, AS AMENDED BY P.L.141-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4. (a) The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29.**

(b) Except as otherwise provided in this section, the parts and reports provided under this section may not include information described under section 8 of this chapter.

(c) The parts and reports may contain the information described in section 8 of this chapter if:

- (1) the part or report is to be provided to an entity that:**
 - (A) is described in section 6 of this chapter; and**
 - (B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or**
- (2) the part or report is a purely statistical compilation that:**
 - (A) includes the information described in section 8 of this chapter; and**
 - (B) does not include any information:**
 - (i) concerning an individual voter; or**
 - (ii) that would permit the identification of an individual voter as a result of providing the compilation.**

(d) The parts and reports provided under this section may not include the complete Social Security number of any individual.

(e) The election division may provide the registration information



described in section 8 of this chapter, including an individual's voting history, as follows:

(1) To states and local governments in states that are implementing any voter list maintenance program described in IC 3-7-38.2-5, including a program implemented with information obtained from another state under IC 3-7-38.2-5.5.

(2) Upon written request, to law enforcement officials conducting an investigation. **The election division shall determine the confidence factor score, according to IC 3-7-38.2-5.5(c)(2), of the voter registration information being provided to the law enforcement official and do the following:**

(A) If the confidence score is seventy-five (75) points or more, provide the registration information and a statement regarding the score. The statement must state that the election division is not making a determination that the information is about the same individual the law enforcement official is inquiring about.

(B) If the confidence score is below seventy-five (75) points, provide the registration information and a statement regarding the low confidence score. The statement must state that the election division is not making a determination that the information is about the same individual the law enforcement official is inquiring about.

SECTION 12. IC 3-7-34-3, AS AMENDED BY P.L.81-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) This subsection applies to a registration form that is incomplete as a result of the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the county voter registration office obtains a written statement **made under the penalties for perjury** from the applicant:

(1) answering either or both of the questions that were not answered on the original form; and

(2) not later than the twenty-ninth day before the date of the next election following the date the form was filed;

the county voter registration office shall process the form under this article.

(b) This subsection applies to a registration application that is incomplete for a reason other than the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the county voter registration office obtains information under section 2(b)(1) of this chapter that permits the county voter registration office to complete the registration form, the county voter registration office



shall process the form under this article. If the county voter registration office obtains information under section 2(b)(2) of this chapter from the voter that permits the county voter registration office to complete the registration form, the county voter registration office shall document the information and process the form under this article.

SECTION 13. IC 3-7-38.2-5.5, AS ADDED BY P.L.141-2020, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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) ~~Not later than July 1, 2020~~, 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 ~~adopt an order by July 1, 2020, or subsequently~~ 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 provided directly from the other state to the Indiana county voter registration official, the out-of-state voter registration official must provide 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 14. IC 3-7-45-4, AS AMENDED BY P.L.128-2015, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under 52 U.S.C. 21083. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.

(b) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of an obituary, notice of estate administration, or other notice of death of that person published:

(1) in a newspaper in which a legal notice may be published under IC 5-3-1; or

(2) on an Internet web site by a person licensed under IC 25-15.

(c) A county voter registration office may require additional written information before canceling the registration of a person under



subsection (a) or (b) if the information contained in the death certificate or notice of death is insufficient to identify the person whose registration is to be canceled. If:

- (1) additional written information is not given to the county voter registration office; or
- (2) the additional written information is insufficient to identify the person whose registration is to be canceled;

the county voter registration office is not required to cancel the person's registration.

SECTION 15. IC 3-7-46-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) As used in this section, "correctional department" refers to an agency of the government of a state other than Indiana that has responsibility for the imprisonment of individuals who have been convicted of a crime.**

(b) If the NVRA official receives information from a correctional department that an Indiana resident is currently imprisoned by the correctional department for conviction of a crime, the NVRA official shall notify the county voter registration office of the Indiana county in which the imprisoned individual is a resident of the information.

(c) If the information provided under subsection (b) indicates that the imprisoned individual is disfranchised under section 2 of this chapter, the county voter registration officer shall:

- (1) remove the name of the individual from the voter registration records; and**
- (2) enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3 on an expedited basis.**

SECTION 16. IC 3-8-1-5, AS AMENDED BY P.L.142-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5. (a) This section does not apply to a candidate for federal office.**

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

- (1) a felony conviction for which the person has been pardoned;**
- (2) a felony conviction that has been:**
 - (A) reversed;**
 - (B) vacated;**
 - (C) set aside;**



- (D) not entered because the trial court did not accept the person's guilty plea; or
 - (E) expunged under IC 35-38-9; or
 - (3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.
- (d) A person is disqualified from assuming or being a candidate for an elected office if:
- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
 - (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
 - (3) in a:
 - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
 - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
 - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
 - (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
 - (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or
 - (6) the person is subject to:
 - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
 - (B) 5 U.S.C. 7321-7326 (the Hatch Act);
 and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or
 - (7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.**
- (e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
- (1) jury has announced its verdict against the person for a felony;
 - (2) court has announced its verdict against the person for a felony;
- or
- (3) person has pleaded guilty or nolo contendere to a felony;
- does not affect the operation of subsection (d).



SECTION 17. IC 3-8-2-7, AS AMENDED BY SEA 398-2021, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: 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.
- (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 ~~election~~ **elections** in Indiana in which the candidate voted ~~was~~ **were** a 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 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). 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 18. IC 3-8-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) This section does not apply to the certification of nominees under IC 3-10-4-5.

(b) The election division shall certify the following to each county election board not later than noon seventy-four (74) days before a general election:

(1) The name and place of residence of each person nominated for election to:

(A) an office for which the electorate of the whole state may vote;

(B) the United States House of Representatives;

(C) a legislative office; or

(D) a local office for which a declaration of candidacy must be filed with the election division under IC 3-8-2.

(2) The name of each:

(A) justice of the supreme court;

(B) judge of the court of appeals; ~~and~~

(C) judge of the tax court; ~~and~~

(D) judge of a circuit or superior court;

who is subject to a retention vote by the electorate and who has filed a statement under IC 33-24-2, ~~or~~ IC 33-25-2, **IC 33-33-45,**



IC 33-33-49, or IC 33-33-71 indicating that the justice or judge wishes to have the question of the justice's or judge's retention placed on the ballot.

(c) Subject to compliance with section 11 of this chapter, the election division shall designate the device under which the list of candidates of each political party will be printed and the order in which the political party ticket will be arranged under IC 3-10-4-2 and IC 3-11-2-6.

SECTION 19. IC 3-8-7-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. The election division and each circuit court clerk shall preserve all certificates and petitions of nomination filed under this article for the period required under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

SECTION 20. IC 3-10-1-4.6, AS AMENDED BY P.L.74-2017, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.6. (a) This section applies to precinct committeemen elected by the Indiana Republican Party.

(b) Precinct committeemen shall be elected on the first Tuesday after the first Monday in May ~~2020~~ **2024** and every four (4) years thereafter.

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

SECTION 21. IC 3-10-1-13, AS AMENDED BY P.L.58-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) The primary election paper ballots, ballot cards, and ballot labels **on an electronic voting system** of each political party must be of uniform size and of the same quality paper as the paper ballots, ballot cards, and ballot labels used at the general election.

(b) The primary election paper ballots and ballot cards of a political party used in a precinct must contain the precinct number or designation on the ballot.

~~(b)~~ (c) The paper ballots and ballot cards must be distinctively marked or be of a different color so that the ballots of each party are easily distinguishable.

~~(c)~~ (d) This subsection applies to all voting systems. All the candidates representing one (1) party shall be placed on one (1) ticket with the name of the party placed at the top or beginning of the ballot in the form prescribed by section 19 of this chapter.



SECTION 22. IC 3-10-1-31 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 31. (a) This section applies to election materials for elections held before January 1, 2004:

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition; together with poll lists; tally sheets; and other forms; to the circuit court clerk when making returns:

(c) Except for unused ballots disposed of under IC 3-11-3-31, the circuit court clerk shall carefully preserve the ballots and other material and keep all seals intact for twenty-two (22) months; as required by 52 U.S.C. 20701; after which they may be destroyed unless:

- (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 52 U.S.C. 10301;

requires the continued preservation of the ballots or other material:

(d) This subsection applies before January 1, 2006. Upon delivery of the poll lists; the county voter registration office may unseal the envelopes containing the poll lists. For the purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;
- (2) a transfer of registration conducted under IC 3-7-39; IC 3-7-40; or IC 3-7-42;
- (3) adding the registration of a voter under IC 3-7-48-8; or
- (4) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 52 U.S.C. 21083 and IC 3-11-8 or IC 3-11-10;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection; the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (c):

(e) This subsection applies after December 31, 2005. Upon delivery of the poll lists; the county voter registration office may unseal the envelopes containing the poll lists. For purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46; or
- (2) a transfer of registration conducted under IC 3-7-39; IC 3-7-40; or IC 3-7-42;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration



office shall use the poll lists to update the registration record to include the voter's current voter identification number if the voter's voter identification number is not included in the registration record. Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (c):

(f) After the expiration of the period described in subsection (c), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

SECTION 23. IC 3-10-1-31.1, AS AMENDED BY P.L.157-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) (a) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) (b) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots (including provisional ballots) and other material (including election material related to provisional ballots) during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d) (c) and notwithstanding any other provision of state law, after the recount or contest filing period, the election material, including election material related to provisional ballots (except for ballots and provisional ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 52 U.S.C. 20701, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

- (1) IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 52 U.S.C. 10301;

requires the continued preservation of the ballots or other material.

(d) (c) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) (d) Upon delivery of the poll lists, the county voter registration office shall unseal the envelopes containing the poll lists, inspect the



poll lists, and update the registration records of the county. The county voter registration office shall use the poll lists and information on affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list and affidavits shall be preserved with the ballots and other materials in the manner prescribed by subsection ~~(e)~~ **(b)** for the period prescribed by subsections ~~(e)~~ **(b)** and ~~(d)~~ **(c)**.

~~(f)~~ **(e)** In addition to the poll lists described in subsection ~~(e)~~ **(d)**, the county voter registration office shall use the affidavits described by IC 3-10-10-7, IC 3-10-11-4, and IC 3-10-12-3.4 to update the registration records of the county as soon as the affidavits are delivered to the county voter registration office.

~~(g)~~ **(f)** The county voter registration office shall retain a voter's paper registration records associated with the address at which the voter is registered to vote until all of the following are satisfied:

- (1) The voter's registration at the address stated in the voter's registration application has been canceled.
- (2) The general election immediately following the cancellation of the voter's registration under subdivision (1) has occurred.
- (3) Twenty-four (24) months have elapsed following the general election described in subdivision (2).

~~(h)~~ **(g)** This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection ~~(e)~~ **(b)**, if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

~~(i)~~ **(h)** After the expiration of the period described in subsection ~~(e)~~ **(b)** or ~~(d)~~ **(c)**, the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

~~(j)~~ **(i)** This subsection applies to a detachable recording unit or compartment used to record a ballot cast on a direct record electronic voting system. After the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election, the



circuit court clerk shall transfer the data contained in the unit or compartment to a disc or other recording medium. After transferring the data, the clerk may clear or erase the unit or compartment. The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 52 U.S.C. 20701, after which time the disc or medium may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the disc or medium is issued under the following:

- (1) IC 3-12-6-19.
- (2) IC 3-12-11-16.
- (3) 52 U.S.C. 10301.

(j) This subsection applies to a county using an electronic poll book. After each election, the county shall save all data recorded on the electronic poll book and any information stored on the dedicated, private server required under IC 3-11-8-10.3(b)(4). The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 52 U.S.C. 20701, after which time the data may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the data is issued under the following:

- (1) IC 3-12-6-19.**
- (2) IC 3-12-11-16.**
- (3) 52 U.S.C. 10301.**

SECTION 24. IC 3-10-1-31.2, AS ADDED BY P.L.225-2011, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.

(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after the completion of the recount or contest and the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17, IC 3-12-11-18, or IC 3-12-12-19.

(c) This subsection applies to a voter who executes an affidavit under IC 3-10-11 and currently resides in an Indiana county different from the county where the voter is registered to vote. The county voter registration official in the county where the voter voted shall add to the voter's registration record in the computerized list established under IC 3-7-26.3 that the voter



voted in the election before transferring the voter's registration to the county where the voter indicated the voter currently resides on the affidavit completed under IC 3-10-11.

SECTION 25. IC 3-10-2-3, AS AMENDED BY P.L.201-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. Presidential electors and alternate presidential electors shall be elected in ~~2020~~ **2024** and every four (4) years thereafter at a general election held in accordance with 3 U.S.C. 1.

SECTION 26. IC 3-10-2-6, AS AMENDED BY P.L.8-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. The following public officials shall be elected in ~~2020~~ **2024** and every four (4) years thereafter:

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

SECTION 27. IC 3-10-6-2, AS AMENDED BY P.L.74-2017, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as otherwise provided in this chapter, a municipal primary election shall be held on the first Tuesday after the first Monday in May ~~2019~~ **2023** and every four (4) years thereafter.

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

SECTION 28. IC 3-10-6-3, AS AMENDED BY P.L.278-2019, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter each political party shall, at the primary election in:

- (1) May 2022 and every four (4) years thereafter; and
- (2) May 2023 and every four (4) years thereafter;

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

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

- (1) May ~~2020~~ **2024** and every four (4) years thereafter; and



(2) May 2022 and every four (4) years thereafter; nominate candidates for the election to be held under section 6(b) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be conducted under this chapter.

(c) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under section 2.6 of this chapter each political party shall, at the primary election in May ~~2020~~ **2024** and every four (4) years thereafter, nominate candidates for the election to be held under section 6(c) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be held under this chapter.

SECTION 29. IC 3-10-6-5, AS AMENDED BY P.L.74-2017, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. Except as otherwise provided in this chapter, a municipal election shall be held on the first Tuesday after the first Monday in November ~~2019~~ **2023** and every four (4) years thereafter. At the election, public officials shall be elected to each municipal office.

SECTION 30. IC 3-10-6-6, AS AMENDED BY P.L.278-2019, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter shall:

- (1) at the general election in November 2022 and every four (4) years thereafter; and
- (2) at the municipal election in November ~~2019~~ **2023** and every four (4) years thereafter;

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

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

- (1) at the general election in November ~~2020~~ **2024** and every four (4) years thereafter; and
- (2) at the general election in November 2022 and every four (4) years thereafter;

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



(c) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall, at the general election in November ~~2020~~ **2024** and every four (4) years thereafter, elect a town clerk-treasurer and town court judge (if a town court has been established under IC 33-35-1-1) to those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

SECTION 31. IC 3-10-7-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 33. (a) A town election board shall canvass the votes from a municipal election in the manner prescribed by IC 3-12-4.

(b) After completion of the canvass, the town election board shall immediately file the poll lists, ballots, tally sheets, and other election forms with the circuit court clerk of the county containing the greatest percentage of population of the town for preservation and voter list maintenance in accordance with ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

SECTION 32. IC 3-11-2-2.1, AS AMENDED BY P.L.164-2006, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.1. (a) Each county election board shall have the:

- (1) names of all candidates for election to offices or retention in offices; and
- (2) state and local public questions;

in election districts wholly or partially within the county printed on a ballot as provided in this chapter. The county may print all offices on a single ballot under this section.

(b) Before a county election board orders the printing of a ballot, the board must provide written notice that proofs of the ballot are available for inspection not later than sixty-seven (67) days before the date of the election to each of the following:

- (1) The county chairman of each major political party with a candidate's name appearing on the ballot.**
- (2) The county chairman, if any, of any other political party with a candidate's name appearing on the ballot.**
- (3) The superintendent of each school corporation with the name of a candidate for school board office or a local public question concerning the school corporation appearing on the ballot.**

After sixty (60) days before the date of the election, the ballot is considered approved and eligible for printing.

SECTION 33. IC 3-11-2-3, AS AMENDED BY P.L.194-2013, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. Each type of ballot must be:



- (1) of uniform size;
- (2) of the same quality and color of paper; ~~and~~
- (3) sufficiently thick that the printing cannot be distinguished from the back; **and**
- (4) printed with the precinct number or designation of the precinct where the ballot is used.**

SECTION 34. IC 3-11-2-14, AS AMENDED BY P.L.190-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The following offices shall be placed on the general election ballot in the following order after the offices described in section 13 of this chapter:

- (1) Retention of a local judge.
- (2) Local nonpartisan judicial offices.

(b) These offices shall be placed in a separate column on the ballot.

(c) If the ballot contains a candidate for a local nonpartisan judicial office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."

(d) If more than one (1) local nonpartisan judicial office is to be placed on the ballot, the office shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the office. If there is more than one (1) candidate for a local nonpartisan judicial office, the candidates shall be listed in alphabetical order according to surname.

~~(d)~~ (e) If more than one (1) question concerning the retention of a local judge is to be placed on a ballot, the questions shall be placed on the ballot:

- (1) in alphabetical order according to the surname of the local judge; and
- (2) identifying the court (including division or room) in which the judge serves.

SECTION 35. IC 3-11-3-11, AS AMENDED BY P.L.169-2015, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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).
- (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 36. IC 3-11-4-1, AS AMENDED BY SEA 398-2021, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot. Except as otherwise provided in this article, a voter voting by absentee ballot must vote in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.6) or at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.



(c) ~~The commission;~~ **A county election board or board of elections and registration**, by unanimous vote of its entire membership, may authorize a ~~person~~ **an individual** who is otherwise qualified to vote in person **and wishes** to vote by absentee ballot **to file an application for an absentee ballot** if the ~~commission board~~ determines that: ~~an~~

- (1) during the last eleven (11) days before the election:**
 - (A) the governor has declared a disaster emergency under IC 10-14-3-12; or**
 - (B) the county has declared a local disaster emergency under IC 10-14-3-29;**
- (2) the disaster emergency prevents the person individual from voting in person at a polling place; and**
- (3) an absentee voter board can receive the voter's absentee ballot not later than 6 p.m. on election day.**

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section ~~12.5~~ **15** of this chapter. Taking into consideration the amount of time remaining before the election, the commission, **the county election board, or the board of elections and registration** shall determine whether the absentee ballots are transmitted to and from the voter by **any of the following:**

- ~~(1) Mail. or personally delivered.~~
- (2) Personal delivery.**

An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 37. IC 3-11-4-5.1, AS AMENDED BY P.L.74-2017, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.1. (a) The election division shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

- (1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.
- (2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section 2(f) of this chapter.
- (3) Serve as a verified statement for a voter to indicate a change of name under IC 3-7-41. The form must require the applicant to



indicate the applicant's previous name.

(4) Set forth the penalties for perjury.

(c) The form prescribed by the election division shall require that a voter who:

(1) requests an absentee ballot; and

(2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) The election division shall approve absentee ballot application forms that comply with this subsection and section 2(g) of this chapter and permit the applicant to indicate a change of name under subsection (b). The form prescribed by the election division must request that a voter who requests an absentee ballot:

(1) provide the last four (4) digits of the voter's Social Security number; or

(2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter must comply with subsection (d).

(f) The form prescribed by the election division must include a statement that permits an applicant to indicate whether:

(1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and

(2) the applicant's legal address is the address set forth in the applicant's voter registration.

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address to which the absentee ballot is to be mailed.

(g) This subsection applies to an application to receive an absentee ballot:

(1) by mail under IC 3-11-10-24; or

(2) in the form of an application to vote before an absentee voter board under IC 3-11-10-25 at the voter's place of confinement or the residence of the voter.

If the voter wishes to submit an application under this section in an electronic format using a module of the statewide voter registration system, the voter must include a telephone number at which the voter can be reached to submit the application.

(h) The application form for an absentee ballot must enable the applicant to provide the applicant's electronic mail address.



However, an applicant's failure to provide an electronic mail address is not a reason for denial of the absentee ballot application.

SECTION 38. IC 3-11-4-17.5, AS AMENDED BY SEA 398-2021, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true;
- (3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual acting under section 2(b) of this chapter; and
- (4) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (4), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, IC 3-11-10-26.2, or IC 3-11-10-26.3, the voter shall be permitted to cast a provisional ballot, which the county election board shall retain.

(b) If:

- (1) the applicant is not a voter of the precinct according to the registration record; or
- (2) the application as completed and filed:
 - (A) contains a false statement; or
 - (B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) A voter's failure to provide the information requested under section 5.1(d) of this chapter does not affect a voter's ability to receive an absentee ballot. A county election board may not deny an application because the voter has not provided the information requested under section 5.1(d) of this chapter as a part of the voter's application for an absentee ballot.

(d) ~~This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter.~~



~~In accordance with 52 U.S.C. 20302(d)~~; If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

- (1) not later than forty-eight (48) hours after the application is denied; and
- (2) to the voter:
 - (A) at the address at which the voter requested that the absentee ballot be mailed;
 - (B) to the voter's electronic mail address, if the voter has provided an electronic mail address on the voter's absentee ballot application; or**
 - (C) by personal delivery of the notice.**

(e) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

- (1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and
- (2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(f) If the applicant:

- (1) is a voter of the precinct according to the registration record; and
- (2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 39. IC 3-11-4-19, AS AMENDED BY P.L.157-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) Subject to IC 3-5-4-9, a ballot that is



mailed must bear the circuit court clerk's official seal and signature or facsimile signature on the back of the ballot. Before the ballot is mailed:

- (1) the two (2) members of the absentee voter board in the office of the circuit court clerk; or
- (2) the two (2) appointed members of the county election board or their designated representatives;

shall place their initials in ink on the back of the ballot. The initials must be in the persons' ordinary handwriting or printing and without a distinguishing mark of any kind. No other initialing of the absentee ballot is necessary.

(b) An absentee ballot that is voted before an absentee voter board under IC 3-11-10-25, IC 3-11-10-26, or IC 3-11-10-26.3, must bear the seal, signature, and initials prescribed by IC 3-11-10-27.

(c) 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 mailed 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 mailed to the voter.

SECTION 40. IC 3-11-8-10.3, AS AMENDED BY P.L.135-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

- (b) An electronic poll book must satisfy all of the following:
 - (1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll book.
 - (2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both of the following apply:
 - (A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no



hardware or software connection existing between the electronic poll book and the voting system.

(B) All data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

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

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

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

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

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

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

~~However, after December 31, 2020,~~ An electronic poll book may not display whether a voter's registration record is in active or inactive status.

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

(A) storing (in external or internal memory) the current local version of the electronic poll list; and

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

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

(A) already received a ballot at the election;

(B) returned an absentee ballot; or

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

(6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has received a ballot.

(7) The electronic poll book must transmit the information in subdivision (6) to the county server so that:



- (A) the server may transmit the information immediately to every other polling place or satellite absentee office in the county; or
 - (B) the server makes the information immediately available to every other polling place or satellite office in the county.
- (8) The electronic poll book must permit reports to be:
- (A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and
 - (B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.
- (9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list (as defined in IC 3-7-26.3-2).
- (10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from:
- (A) the voter's registration application; or
 - (B) a more recent signature of a voter from an absentee application, poll list, electronic poll book, or registration document.
- (11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.
- (12) The electronic poll book must include a bar code capturing device that:
- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and
 - (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.
- (13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the



electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

- (14) The electronic poll book must be compatible with:
- (A) any hardware attached to the electronic poll book, such as signature capturing devices, bar code capturing devices, and network cards;
 - (B) the statewide voter registration system; and
 - (C) any software system used to prepare voter information to be included on the electronic poll book.
- (15) The electronic poll book must have the ability to be used in conformity with this title for:
- (A) any type of election conducted in Indiana; or
 - (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.
- (16) The procedures for setting up, using, and shutting down an electronic poll book must be reasonably easy for a precinct election officer to learn, understand, and perform. A vendor shall provide sufficient training to election officials and poll workers to completely familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with VSTOP (as described in IC 3-11-18.1-12).
- (17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:
- (A) has been set up correctly;
 - (B) is working correctly so as to verify the eligibility of the voter;
 - (C) is correctly recording that a voter received a ballot; and
 - (D) has been shut down correctly.
- (18) The electronic poll book must include the following documentation:
- (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll book.
 - (B) Training materials that:
 - (i) may be in written or video form; and
 - (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.
 - (C) Failsafe data recovery procedures for information included in the electronic poll book.
 - (D) Usability tests:



- (i) that are conducted by the manufacturer of the electronic poll book or an independent testing facility using individuals who are representative of the general public;
 - (ii) that include the setting up, using, and shutting down of the electronic poll book; and
 - (iii) that report their results using industry standard reporting formats.
- (E) A clear model of the electronic poll book system architecture and the following documentation:
- (i) End user documentation.
 - (ii) System-level and administrator level documentation.
 - (iii) Developer documentation.
- (F) Detailed information concerning:
- (i) electronic poll book consumables; and
 - (ii) the vendor's supply chain for those consumables.
- (G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll book.
- (H) Repair and maintenance policies for the electronic poll book.
- (I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:
- (i) A list of customers who are using or have previously used the vendor's electronic poll book.
 - (ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.
- (J) Information concerning batteries used in the electronic poll book, including the following:
- (i) A list of all batteries to be used in the electronic poll book and any peripherals.
 - (ii) The expected life span of each battery.
 - (iii) A log documenting when each battery was installed or subsequently replaced.
 - (iv) A schedule for the replacement of each battery not later than thirty (30) days before the end of the expected life span of each battery.
 - (v) Plans to test batteries before each election.
 - (vi) Plans for the emergency replacement of batteries that fail on election day or during the thirty (30) days before election day.



(19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, including the use, alteration, storage, receipt, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.

(21) The electronic poll book must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.

(22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server approved by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

(A) permit a voter to check in and sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature so that the signature may be assigned to the voter's registration record.

(c) The county election board is responsible for the care and custody of all electronic poll books while not in use.

(d) The county election board is responsible for ensuring that all electronic poll books are dedicated devices to be used only for their intended purpose and for no other activity. Software that is not needed for the essential purpose of running the electronic poll book may not be installed on an electronic poll book.

SECTION 41. IC 3-11-8-15, AS AMENDED BY P.L.194-2013, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

(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 authorized to act on behalf of a county election board to repair a voting system (if the mechanic 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.

~~(b)~~ **(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.

~~(c)~~ **(e)** The inspector of a precinct has authority over all simulated election activities conducted under subsection ~~(b)~~ **(d)** and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 42. IC 3-11-8-25.2, AS AMENDED BY P.L.278-2019, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall



examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 52 U.S.C. 21083 and IC 3-7-33-4.5 before voting in person. If the list indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 52 U.S.C. 21083, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill.
- (3) A current bank statement.
- (4) A current government check.
- (5) A current paycheck.
- (6) A current government document.

The document presented by the voter must show the name and residence address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection (b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(e) The precinct election board shall advise the voter, **both orally and in writing**, that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7. **The election division shall prescribe the form of the explanation required by this subsection.**

(f) **The circuit court clerk shall provide the notice required by IC 3-11.7-6-4 to a voter who casts a provisional ballot under this section.**

SECTION 43. IC 3-11-8-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. Each inspector shall return the poll lists, together with the oaths of the precinct election board members, in a sealed envelope separate from all other precinct



election returns to the circuit court clerk. The clerk shall preserve the poll lists for the period required by ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

SECTION 44. IC 3-11-10-25, AS AMENDED BY SEA 398-2021, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25. (a) A voter who votes by absentee ballot because of:

- (1) illness or injury; or
- (2) caring for a confined person at a private residence;

and who is within the county may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement or the residence of the voter with disabilities:

- (1) during the regular office hours of the circuit court clerk;
- (2) at a time agreed to by the board and the voter;
- (3) on any of the nineteen (19) days immediately before election day; and
- (4) only once before an election, unless:
 - (A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or
 - (B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

- (1) agreed to by the board and the voter; and
- (2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) The county election board, by unanimous vote of the board's entire membership, may:

- (1) authorize an absentee voter board to visit the voter after first confirming that the individual is a registered voter of the county; and



(2) permit the voter to complete an absentee ballot application before the absentee voter board.

If both members of the absentee voter board approve the voter's application under this subsection, the board shall provide the voter with an absentee ballot.

(f) As provided by 52 U.S.C. 21081, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(g) As provided by 52 U.S.C. 21081, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (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.

(h) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

(i) An absentee voter board visiting a voter under this section may use an electronic poll book.

SECTION 45. IC 3-11-10-26, AS AMENDED BY SEA 398-2021, SECTION 32, AND BY HEA 1479-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

- (1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.
- (2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is



entitled to cast an absentee ballot before an absentee voter board at any of the following:

- (1) The office of the board of elections and registration.
- (2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(d) The voter must do the following before being permitted to vote:

(1) This subdivision does not apply to a county that uses electronic poll books for voting under this section. Sign an application on the form prescribed by the election division under IC 3-11-4-5.1. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(2) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an electronic voting system. The voter must do the following:

(A) If the county election board has prescribed an affidavit under subsection (e) that includes a unique identifier to comply with section 26.2(c)(3) of this chapter, make and subscribe to the affidavit.

(B) Sign the electronic poll book.

(C) Provide proof of identification.

(3) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an optical scan voting system. The voter must do the following:

(A) Sign the electronic poll book.

(B) Provide proof of identification.

(C) Sign the affidavit prescribed by section 29 of this chapter.

(e) The county election board may:

(1) prescribe an affidavit that includes a unique identifier; or

(2) establish a procedure to produce a document, label, or electronic record that is associated with each voter and includes a unique identifier;

to comply with section 26.2(c)(3) of this chapter. After the county election board approves an affidavit or procedure described in this subsection and before the affidavit or procedure is used in an election, the county election board shall file a copy of the affidavit or a brief



description of the procedure with the election division to assist the state recount commission in conducting proceedings under IC 3-12-11.

(f) The voter may vote before the board not more than twenty-eight (28) days nor later than noon on the day before election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes.

(g) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-eight (28) days before the election and not later than noon on election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(h) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day. However, the county election board may adopt a resolution authorizing the circuit court clerk to:

- (1) use the office of the circuit court clerk designated in subsection (a)(1); or
- (2) establish a satellite office under section 26.3 of this chapter; to permit voters to cast absentee ballots under this section for at least four (4) hours on the third Saturday preceding election day.

(i) Notwithstanding subsection (h), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(j) As provided by 52 U.S.C. 21081, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct



any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(k) As provided by 52 U.S.C. 21081, when an absentee ballot is provided under this section, the board must also provide the voter with:

(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.

(l) If:

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

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

the voter shall be permitted to cast a provisional ballot.

(m) This subsection applies to a voter who casts an absentee ballot that is treated as a provisional ballot under subsection (l). The board shall provide the voter, both orally and in writing, an explanation of what actions, if any, the voter must take in order to have the voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the voter.

~~(m)~~ (n) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

~~(m)~~ (o) In a primary election, a voter casting an absentee ballot under this chapter may not change the voter's choice of the voter's political party after the voter has been mailed or otherwise provided with a primary ballot containing the candidates of that party.

SECTION 46. IC 3-11-10-26.4, AS ADDED BY SEA 260-2021, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26.4. (a) This section applies to voting under section 26, **26.2**, or 26.3 of this chapter.

(b) After voting, a voter shall leave the office or satellite office.

(c) If a voter leaves the booth without casting a ballot, ~~a member of the~~ **an absentee voter board member or the circuit court clerk's office** shall do both of the following:



- (1) Attempt to advise the voter not to leave the **clerk's office or satellite** office because the voter's ballot has not been cast.
 - (2) Permit the voter to return to the booth to complete the process of casting the voter's ballot.
- (d) If the voter has left the office; or declines to return to the booth; both members of the absentee voter board shall do the following:
- (1) If voting is by paper ballot, both members shall enter the booth; retrieve the ballot, and deposit the voter's ballot in the ballot box.
 - (2) If voting is by ballot card, both members shall enter the booth and place the voter's ballot inside the envelope provided or fold the ballot as described in IC 3-11-13-18(b)(1); and deposit the voter's ballot in the ballot box.
 - (3) If voting is by electronic voting system, both members shall enter the booth and complete the process of casting the ballot for the voter.
- (e) After the voter's ballot has been deposited in the ballot box or has been cast, both members of the absentee voter board shall promptly complete a form prescribed under IC 3-5-4-8 containing the following information:
- (1) The name of the voter who left the office without completing the process of casting a ballot if the voter's name is known.
 - (2) The approximate time that the voter left the office.
 - (3) Whether the voter was advised that the voter could return to the booth to complete the casting of the ballot.
 - (4) A statement made under the penalties for perjury indicating that:
 - (A) the members of the absentee voter board deposited the voter's ballot in the ballot box or completed the process of casting the ballot for the voter; and
 - (B) the members of the absentee voter board did not make any alteration to the choices made by the voter.

The form must be signed by both members of the absentee voter board:

(d) This subsection applies to a voter who has been provided a paper absentee ballot or optical scan ballot card absentee ballot. If the voter has left the clerk's office or satellite office, or declines to return to the booth, the absentee voter board members shall do the following:

- (1) Enter into the booth and place the voter's ballot inside the envelope provided or fold the ballot as described in IC 3-11-13-18(b)(1).**
- (2) Transfer or deposit the envelope or folded ballot to the**



location where previously cast absentee ballots have been secured.

(3) Promptly complete a form prescribed under IC 3-5-4-8 containing the following information:

(A) The name of the voter who left the clerk's office or satellite office without completing the process of casting a ballot if the voter's name is known.

(B) The approximate time that the voter left the clerk's office or satellite office.

(C) Whether the voter was advised that the voter could return to the booth to complete the casting of the ballot.

(D) A statement made under the penalties for perjury indicating that:

(i) the absentee voter board members jointly transferred or deposited the envelope or folded ballot in the location where previously cast absentee ballots had been secured; and

(ii) the absentee voter board members (and any other person) did not make any alterations to the choices made by the voter.

The form must be signed by both members of the absentee voter board.

(e) This subsection applies to a voter who has been provided an electronic voting system to cast an absentee ballot. If the voter has left the clerk's office or satellite office, or declines to return to the booth, the absentee voter board members shall:

(1) enter into the booth;

(2) complete the process of casting the ballot for the voter; and

(3) complete the form described in subsection (d)(3).

(f) After the voter's ballot has been transferred or deposited under subsection (d) or cast under subsection (e), the absentee voter board shall indicate on the electronic poll book or in the statewide voter registration system that the voter has cast an absentee ballot.

SECTION 47. IC 3-11-10-27, AS AMENDED BY P.L.157-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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 ~~(d)~~: **(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 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.

(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.

~~(d)~~ **(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.

~~(e)~~ **(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.

~~(f)~~ **(g)** A resolution adopted under subsection ~~(d)~~ **(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 ~~(e)~~: **(f)**.

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

SECTION 48. IC 3-11-11-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. (a) At a primary election, a voter may not remain in the voting booth longer than ~~three~~ **(3) five (5)** minutes.

(b) At a general, municipal, or special election, a voter may not remain in the voting booth longer than ~~two~~ **(2) four (4)** minutes.

(c) If a voter refuses to leave the voting booth after the lapse of the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth.

SECTION 49. IC 3-11-11-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. A voter who by accident or mistake spoils, defaces, or mutilates the voter's ballot may, by returning the ballot to the poll clerks or assistant poll clerks and satisfying them that the spoiling, defacing, or mutilation was not intentional, receive another ballot. The poll clerks or assistant poll clerks shall make a record of the fact on the poll list, and the ballot shall then be marked "VOID" by the precinct election board in the presence of the voter and returned with the other election materials as required by ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

SECTION 50. IC 3-11-13-11, AS AMENDED BY SEA 398-2021, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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), ~~and~~ 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 51. IC 3-11-13-19, AS AMENDED BY P.L.169-2015, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. **(a) Each circuit court clerk shall have printed on each ballot used in a precinct the precinct number or designation.**

~~(a)~~ **(b)** Except as provided in subsections ~~(b)~~ and **(c) and (d)**, each circuit court clerk shall print or stamp the precinct number or designation and a line for each poll clerk's initials on both a ballot card and the ballot card's secrecy envelope before the election.

~~(b)~~ **(c)** In a vote center county using an electronic poll list, the circuit court clerk shall not print or stamp the poll clerk's initials required by subsection ~~(a)~~ **(b)** if the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system are printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.

~~(c)~~ **(d)** In a vote center county using an electronic poll book, the circuit court clerk may print or stamp the precinct number or designation:

- (1) before the election as provided by subsection ~~(a)~~; **(b)**; or
 - (2) at the time the ballot card is printed immediately before the ballot card is delivered to a voter as provided by subsection ~~(b)~~.
- (c).**

SECTION 52. IC 3-11-13-24, AS AMENDED BY P.L.169-2015, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. (a) This subsection applies to a ballot card voting system. The test required by section 22 of this chapter must:

- (1) be conducted by processing a preaudited group of ballot cards marked so as to record a predetermined number of valid votes for each candidate and on each public question; ~~and~~
- (2) include for each office one (1) or more ballot cards that have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating machines to reject the votes; **and**
- (3) include at least one (1) ballot from three (3) different precincts where an election will be conducted.**

(b) This subsection applies to a voting system that includes features of a ballot card voting system and a direct record electronic voting system. The test required by section 22 of this chapter must:

- (1) be conducted by the entry of:
 - (A) a preaudited group of ballots; and



- (B) at least ten (10) ballots cast by using the headphone or a sip/puff device;
so as to record a predetermined number of valid votes for each candidate and on each public question; and
- (2) include at least one (1) ballot for each office and public question that has votes in excess of the number allowed by law in order to test the ability of the voting system to reject the overvotes.

SECTION 53. IC 3-11-13-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 24.5. Immediately following the completion of the test required by section 22 of this chapter, the county election board shall enter the vote totals from the voting system tabulator tested under this chapter into the component of the voting system used by the county election board to tabulate and canvass the election results under IC 3-12-4. The board shall determine whether the component of the voting system properly tabulates and determines:**

- (1) the votes cast in each of the precincts; and**
(2) the total for each candidate and public question on the ballots tested under this chapter.

SECTION 54. IC 3-11-13-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 32.5. (a) At a primary election, a voter may not remain in the voting booth or compartment longer than ~~three (3)~~ **five (5)** minutes.

(b) At a general, municipal, or special election, a voter may not remain in the voting booth or compartment longer than ~~two (2)~~ **four (4)** minutes.

(c) If a voter refuses to leave a voting booth or compartment after the lapse of the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth or compartment.

SECTION 55. IC 3-11-14-3.5, AS AMENDED BY SEA 398-2021, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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), **and 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 56. IC 3-11-14-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. At a primary election, a voter may not remain in the voting booth longer than ~~three~~ **five (5)** minutes.

SECTION 57. IC 3-11-14-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. At a general, municipal, or special election, a voter may not remain in the voting booth longer than ~~two (2)~~ **four (4)** minutes.

SECTION 58. IC 3-11-14.5-5, AS ADDED BY P.L.221-2005, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. **(a)** The test required by this chapter must include the following:

- (1) The visual inspection of the voting system and ballot labels.
- (2) The manual entry of a preaudited group of ballots marked so as to record a predetermined number of valid votes for each candidate and on each public question.
- (3) At least one (1) ballot for each office that has votes in excess of the number allowed by law in order to test the ability of the electronic voting system to reject the overvotes.

(b) The test required by this chapter must include the entry of a preaudited group of at least one (1) ballot from three (3) different precincts where an election will be conducted to:

- (1) test the functionality of the system components used by a voter with disabilities to independently and privately cast a ballot; and**
- (2) record a predetermined number of valid votes for each candidate and on each public question.**

SECTION 59. IC 3-11-15-13.3, AS AMENDED BY P.L.71-2019, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2021]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet one (1) of the following:

- (1) The Voting System Standards adopted by the Federal Election Commission on April 30, 2002.
- (2) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.



(3) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission, as amended on March 31, 2015.

(b) Except as provided in subsection (c), a county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, ~~2017~~, **2021**, if the voting system:

(1) was:

(A) approved by the commission for use in elections in Indiana before October 1, ~~2017~~; **2021**; and

(B) purchased or leased by the county before October 1, ~~2017~~; **2021**; and

(2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) A county may not continue to use an electronic voting system after December 31, 2029, unless the:

(1) system includes a voter verifiable paper audit trail; and

(2) certification of that system by the commission has not expired.

(d) As provided by 52 U.S.C. 21081, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(e) As provided by 52 U.S.C. 21081, an election board conducting an election satisfies the requirements of subsection (d) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(f) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (e), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities.

SECTION 60. IC 3-11-15-13.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 13.8. A voting system certified for use under this chapter may include features to permit the use of electronic adjudication of ballots to review voter intent so long as:**

(1) the adjudication is conducted in compliance with Indiana law; and



(2) the software is a part of the electronic management system (EMS) certified by the commission as part of the voting system.

SECTION 61. IC 3-11-15-13.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 13.9. A voting system must have a validation method approved by the commission as part of the certification of the voting system to ensure that the software is tested and that no uncertified software is present on the voting system. A vendor shall provide the instructions for use of the validation method to the entity designated under IC 3-11-16 to permit the entity to perform this validation before the voting system is certified under this chapter and at any time during the term of the certification of the voting system.**

SECTION 62. IC 3-11-15-59, AS ADDED BY P.L.100-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **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.**
- (3) That the disposal will occur in compliance with federal and 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 63. IC 3-11-15-61 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 61. (a) This section does not apply to an electronic poll book.**

(b) A computer or electronic device used:

- (1) to create the layout of a ballot for an election;**
- (2) to program a voting system, electronic voting system, or ballot card voting system; or**
- (3) with election management software certified for use as part of a voting system;**

may not be connected to the Internet or any network that connects to another computer or electronic device.

SECTION 64. IC 3-11-16-4, AS AMENDED BY P.L.71-2019, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4.** The person or entity designated under this chapter to conduct the program shall do the following:

- (1) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for voting systems and electronic poll books used to conduct elections in Indiana.
- (2) Compile and maintain an inventory of all voting systems and electronic poll books used to conduct elections in Indiana. The inventory must:
 - (A) include unique serial numbers to identify each voting system unit and electronic poll book; and
 - (B) indicate the location where each voting system unit or electronic poll book is ordinarily stored.
- (3) Review reports concerning voting systems and electronic poll books prepared by independent laboratories and submitted by applicants for voting system and electronic poll book certification.
- (4) Recommend to the commission whether an application for voting system certification should be approved and, if so, whether the approval should be subject to any restrictions or conditions to ensure compliance with Indiana law.
- (5) Perform any additional testing of a voting system or electronic poll book necessary to determine whether the voting system or electronic poll book complies with state law.
- (6) In each odd-numbered year perform random audits of voting systems and electronic poll books used to conduct Indiana**



elections and prepare reports indicating whether the voting systems and electronic poll books have been certified, programmed, and used in compliance with Indiana law.

(7) Review contracts, leases, purchase orders, and amendments to those documents concerning the acquisition or maintenance of voting systems and electronic poll books.

(8) Assist with the development of quantity purchase agreements and other contracts for the lease or purchase of voting systems, electronic poll books, or devices to secure and monitor facilities where voting systems and electronic poll books are stored.

(9) Determine when a voting system or electronic poll book used by a county has reached the end of the voting system's or electronic poll book's expected period of satisfactory performance, and notify each county using the voting system or the electronic poll book of this determination.

(10) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for electronic poll books used to conduct elections in Indiana.

(11) Perform any other duties related to the approval or use of voting systems or electronic poll books as provided in:

(A) state law; or

(B) the contract described in section 3 of this chapter.

SECTION 65. IC 3-11-17-2, AS AMENDED BY P.L.157-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. In addition to any other penalty imposed, a vendor who knowingly, recklessly, or negligently:

(1) markets, sells, leases, installs, implements, or permits the use of a voting system or an electronic poll book in an election conducted in Indiana in violation of this title; or

(2) violates section **7(b)** or 8 of this chapter;

is subject to a civil penalty under this chapter.

SECTION 66. IC 3-11-17-7, AS AMENDED BY P.L.71-2019, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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 VSTOP~~ **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 than twenty-eight (28) days before** an election day, the vendor must file a report not later than ~~three (3)~~ **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 number of counties, precincts, or vote centers 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 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 67. IC 3-11-17-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 9. An anomaly report is confidential except at the discretion of the secretary of state and the election division under IC 5-14-3-4(b)(10).**

SECTION 68. IC 3-11-18.1-5, AS AMENDED BY P.L.278-2019, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5. (a)** Except as provided in subsections (b) and (c), a plan must provide a vote center for use by voters residing within the county for use in a primary election, general election, special election, municipal primary, or municipal election conducted on or after the effective date of the county election board's order.

(b) A plan may provide that a vote center will not be used in a municipal election conducted in ~~2019~~ **2023** and every four (4) years thereafter for some or all of the towns:

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

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

SECTION 69. IC 3-11-18.1-12, AS AMENDED BY P.L.135-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **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). 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 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, ~~2020~~: **2021**).
- (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 70. IC 3-11.5-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 23. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

SECTION 71. IC 3-11.5-5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25. When permitted under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

SECTION 72. IC 3-11.5-5-26, AS AMENDED BY P.L.2-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. A county election board may contract with a state educational institution to dispose of the ballots. The contract must provide that:

- (1) the ballots will be used by the state educational institution to conduct election research; and
- (2) the state educational institution may not receive any ballots under this subsection until the period for retention under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1 has expired.

SECTION 73. IC 3-11.5-6-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

SECTION 74. IC 3-11.5-6-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. When permitted under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

SECTION 75. IC 3-11.5-6-29, AS AMENDED BY P.L.2-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. A county election board may contract with a state educational institution to dispose of the ballots. The contract must provide that:

- (1) the ballots will be used by the state educational institution to conduct election research; and
- (2) the state educational institution may not receive any ballots under this subsection until the period for retention under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1 has expired.



SECTION 76. IC 3-11.7-2-2, AS AMENDED BY P.L.157-2019, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A provisional voter shall do the following:

- (1) Execute the affidavit described in IC 3-10-1-9 or IC 3-11-8-23.
- (2) Sign the poll list.
- (3) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.
- (4) Fold each ballot separately.
- (5) Fold each ballot so as to conceal the marking.
- (6) 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 by the county election board under IC 3-11.7-1-8.
- (7) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52 U.S.C. 21082, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

(d) This subsection applies to a provisional voter described in section 1(a) or 1(b) of this chapter. In addition to the written instructions required by subsection (c), a precinct election officer shall provide the provisional voter, both orally and in writing, an explanation of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the provisional voter.

SECTION 77. IC 3-11.7-5-1.7, AS AMENDED BY P.L.141-2020, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.7. (a) This section does not apply to a provisional ballot cast by a voter for any of the following reasons:

- (1) The provisional ballot was cast by the voter under a court order extending the hours that the polls were open.
- (2) The provisional ballot was cast by a voter who is not on the poll list who indicates that the voter applied to register at a voter registration agency.
- (3) The provisional ballot was cast by the voter after the voter was



challenged solely due to the voter being unable or declining to provide proof of identification.

(4) The provisional ballot was cast by the voter after the voter was challenged solely due to the voter's failure to provide additional documentation.

(b) If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

- (1) the affidavit of the voter who cast the provisional ballot; and
- (2) the affidavit of a challenger challenging the voter who cast the provisional ballot;

the provisional ballot shall be counted **if the individual is a registered voter of that precinct.**

SECTION 78. IC 3-11.7-5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

SECTION 79. IC 3-11.7-5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. When permitted under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

SECTION 80. IC 3-11.7-5-27, AS AMENDED BY P.L.2-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. A county election board may contract with a state educational institution to dispose of the ballots. The contract must provide that:

- (1) the ballots will be used by the state educational institution to conduct election research; and
- (2) the state educational institution may not receive any ballots under this section until the period for retention under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1 has expired.

SECTION 81. IC 3-11.7-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4. (a) Not later than three (3) calendar days after election day, the circuit court clerk shall provide a notice containing the following information to each voter who casts a provisional ballot:**

- (1) The reason or reasons that the voter's ballot is being treated as a provisional ballot.**
- (2) A description of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot**



counted under this article.

(3) The deadlines by which the provisional voter is required to take any actions described in subdivision (2) in order to have the provisional voter's ballot counted under this article.

(4) The following information that will enable the provisional voter to inquire about the provisional voter's ballot:

(A) The name of the office that the provisional voter may contact.

(B) The address of the office described in clause (A).

(C) The telephone number at the office described in clause (A) that the voter may use to contact the office about the voter's provisional ballot.

(D) Any other information the circuit court clerk considers useful to provide assistance to the provisional voter in inquiring about the provisional ballot.

(b) The notice required by subsection (a) must be:

(1) sent by first class United States mail; or

(2) given by another method the circuit court clerk determines will provide actual notice to the voter.

(c) The notice required by subsection (a) must be in a form prescribed by the election division.

SECTION 82. IC 3-12-1-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.7. (a) The following provisions govern the counting of write-in votes:

(1) Except as provided in subsection (b), only votes cast for declared write-in candidates shall be counted and certified.

(2) The name of a candidate, written on the space reserved for write-in voting, is not considered a distinguishing mark that would invalidate a ballot under section 3 of this chapter. However, the name or office of a candidate written in a place on the ballot other than the place reserved for write-in voting may not be counted for that office.

(3) A write-in vote for an office is void if the voter attempts to cast the vote by a means other than printing the name of the candidate in ink or lead pencil. The use of stickers, labels, rubber stamps, or other similar device is not permitted.

(4) An abbreviation, a misspelling, or other minor variation in the form of the name of a candidate or an office shall be disregarded in determining the validity of the ballot if the intention of the voter can be ascertained.

(5) Write-in votes for each write-in candidate shall be counted separately using the tally sheets provided by the county election



board.

- (6) This subdivision applies to a voter who casts a ballot for:**
(A) an individual who is a candidate for President of the United States;
(B) an individual who is a candidate for Vice President of the United States; or
(C) both individuals who are candidates for President of the United States and Vice President of the United States.

A ballot cast as described in this subdivision is considered to be cast for the presidential electors and alternate presidential electors pledged to support the ticket of candidates for President and Vice President printed on the regular official ballot.

- (7) This subdivision applies to a voter who casts a ballot for:**
(A) an individual who is a candidate for governor;
(B) an individual who is a candidate for lieutenant governor; or
(C) both individuals who are candidates for governor and lieutenant governor.

A ballot cast as described in this subdivision is considered to be cast for both individuals who are candidates for governor and lieutenant governor of Indiana who are printed on the regular official ballot.

(b) This subsection does not apply to an office for which more than one (1) individual may be nominated or elected within the same election district. A write-in vote cast for an individual whose name appears on the ballot as a candidate for that office shall be counted as a vote for the candidate.

SECTION 83. IC 3-12-1-19, AS AMENDED BY P.L.278-2019, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) **The provisions of section 1.7 of this chapter concerning write-in votes apply to this section.** This section applies to a federal write-in absentee ballot cast in a general election, municipal election, or special election as provided in IC 3-11-4-12.5(b)(2) by an absent uniformed services voter or overseas voter.

(b) If a voter designates a candidate by writing in the name of a political party on the ballot, the voter's vote shall be counted for all candidates of that political party on the ballot.

(c) If a voter writes an abbreviation, misspelling, or other minor variation instead of the correct name of a candidate or a political party, the voter's vote shall be counted if the intent of the voter can be



determined.

- (d) This subsection applies to a voter who casts a ballot for:
- (1) an individual who is a candidate for President of the United States;
 - (2) an individual who is a candidate for Vice President of the United States; or
 - (3) both individuals who are candidates for President of the United States and Vice President of the United States.

A ballot cast as described in this subsection is considered to be cast for the presidential electors and alternate presidential electors pledged to support the ticket of candidates for President and Vice President printed on the regular official ballot.

- (e) This subsection applies to a voter who casts a ballot for:
- (1) an individual who is a candidate for governor;
 - (2) an individual who is a candidate for lieutenant governor;
 - (3) both individuals who are candidates for governor and lieutenant governor.

A ballot cast as described in this subsection is considered to be cast for both individuals who are candidates for governor and lieutenant governor of Indiana who are printed on the regular official ballot.

(f) (d) If a voter votes for a candidate on a ballot described by this section, but does not indicate the office for which the candidate has been nominated, the voter's vote for that candidate is void.

SECTION 84. IC 3-12-2-12, AS AMENDED BY P.L.2-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1. However, if the election is contested, then the clerk shall preserve the receptacle containing the envelope or bag as long as the contest is undetermined. During those periods the clerk shall keep the receptacle securely locked, subject only to an order of the court trying a contest.

(b) When permitted under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1, the clerk and county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

(c) A county election board may contract with a state educational institution to dispose of ballots. The contract must provide that:

- (1) the ballots will be used by the state educational institution to conduct election research; and
- (2) the state educational institution may not receive any ballots under this subsection until the period for retention under



~~IC 3-10-1-31~~ or IC 3-10-1-31.1 has expired.

SECTION 85. IC 3-12-3-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.2. This section applies to a precinct where votes have been cast on a ballot card system that is designed to allow the counting and tabulation of votes by the precinct election board. ~~Except as provided in section 14 of this chapter,~~ If the polls for more than one (1) precinct are located in the same room, the inspector of a precinct using the room may not begin the vote counting procedure until all the polls in the room are officially closed and no more persons are waiting in line to vote.

SECTION 86. IC 3-12-3-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **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 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 87. IC 3-12-3-5, AS AMENDED BY P.L.194-2013, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) If a ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating machines, then a remake team composed of one (1) person from each of the major political parties of the county shall have the card prepared for processing so as to record accurately the intention of the voter insofar as it can be ascertained.

(b) If the ballot card voting system is designed to allow the counting and tabulation of votes by the precinct election board, the members of the remake team must be members of the precinct election board in which the ballot was cast. If a county provides for the counting and tabulation of ballot card voting systems in a central location, the members of the remake team shall be appointed by the county election board.

(c) If necessary, a true, duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged card. Similarly, a duplicate ballot card shall be made of a defective card, not including the uncounted votes.

(d) This subsection applies to an absent uniformed services voter or overseas voter permitted to transmit an absentee ballot by fax or electronic mail under IC 3-11-4-6. To facilitate the transmittal and return of the voter's absentee ballot by fax or electronic mail, the county election board may provide the voter with a paper ballot rather than a ballot card. The paper ballot must conform with the requirements for paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns the ballot by fax or electronic mail, a remake team appointed by the county election board under this section shall prepare a ballot card for processing that accurately records the intention of the voter as indicated on the paper ballot. The ballot card created under this subsection must **include the initials of each member of the remake team and** be marked and counted as a duplicate ballot under sections 6 through 7 of this chapter.

(e) If an automatic tabulating machine fails during the counting and tabulation of votes following the close of the polls, the county election board shall immediately arrange for the repair and proper functioning of the system. The county election board may, by unanimous vote of its entire membership, authorize the counting and tabulation of votes for this election on an automatic tabulating machine approved for use in Indiana by the commission:



(1) until the repair and retesting of the malfunctioning machine;
and

(2) whether or not the machine was tested under IC 3-11-13-22.

SECTION 88. IC 3-12-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) After the voting totals have been taken and certified by a precinct election board under section 2(c) of this chapter, the inspector shall:

(1) seal each automatic tabulating machine used in the precinct;

(2) place all ballot cards that have been counted in the container provided for that purpose; and

(3) seal the container into which the ballot cards have been placed;

in the presence of the precinct election board. The automatic tabulating machine may not be moved from the polls after the polls are closed until collected.

(b) The inspector and judge of the opposite political party shall deliver:

(1) the certification of the vote totals and one (1) copy of the certificate prepared under section 2(c) of this chapter for the circuit court clerk;

(2) the certificate of the vote totals prepared under section 2(c) of this chapter for the news media;

(3) the container in which ballot cards have been placed under subsection (a); and

(4) the unused, uncounted, and defective ballot cards and returns; to the circuit court clerk.

(c) The inspector and judge of the opposite political party shall deliver the certificates and the list of voters to the county election board by midnight on election day. However, if:

(1) a ballot card voting system failed;

(2) the failure of the system was reported as required by this title;

(3) paper ballots were used in place of the system; and

(4) the use of the paper ballots caused a substantial delay in the vote counting process;

then the certificates, the list of voters, and the tally papers shall be delivered as soon as possible.

(d) Upon delivery of the container to the circuit court clerk under subsection (c), the inspector shall take and subscribe an oath before the clerk stating that the inspector:

(1) closed and sealed the container in the presence of the judges and poll clerks;

(2) securely kept the ballot cards in the container;



(3) did not permit any person to open the container or to otherwise touch or tamper with the ballot cards; and

(4) has no knowledge of any other person opening the container.

(e) Each oath taken under subsection (d) shall be filed in the circuit court clerk's office with other election papers.

(f) Upon completion of the counting of the votes by a precinct election board under section 2(c) of this chapter or at a central location, all ballot cards shall be arranged by precincts and kept by the circuit court clerk for the period required by ~~IC 3-10-1-31~~ or IC 3-10-1-31.1. The clerk shall determine the final disposition of all voted ballot cards.

SECTION 89. IC 3-12-3-14 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 14. (a) The precinct election board may count absentee ballots before the polls have closed.~~

~~(b) If the precinct election board counts absentee ballots under this section; a member of the precinct election board may not, before the polls have closed; provide any person other than a member of the precinct election board with information concerning the number of votes:~~

~~(1) a candidate received for an office; or~~

~~(2) cast to approve or reject a public question;~~

~~on absentee ballots counted under this section.~~

SECTION 90. IC 3-12-3.5-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: ~~Sec. 1.5. Except as provided in section 7 of this chapter;~~ If the polls for more than one (1) precinct are located in the same room, the inspector of a precinct using the room may not begin the vote counting procedure until all the polls in the room are officially closed and no more persons are waiting in line to vote.

SECTION 91. IC 3-12-3.5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **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 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 92. IC 3-12-3.5-7 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 7: (a) The precinct election board may count absentee ballots before the polls have closed:

(b) If the precinct election board counts absentee ballots under this section; a member of the precinct election board may not, before the polls have closed; provide any person other than a member of the precinct election board with information concerning the number of votes:

- (1) a candidate received for an office; or
- (2) cast to approve or reject a public question;

on absentee ballots counted under this section:

SECTION 93. IC 3-12-4-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6.3. (a) Beginning at 8 p.m. prevailing local time on election day, and at least once every one hundred twenty (120) minutes until midnight prevailing local time, the county election board shall enter unofficial results for offices elected by all voters of the state and for legislative offices canvassed by the county election board under this chapter into the computerized list as those unofficial results are tabulated.

(b) The county:

- (1) may continue entering unofficial results after midnight;



and

(2) shall resume entry of any remaining unofficial results beginning at 9 a.m. prevailing local time on the day after election day and continue entering these results at least once every sixty (60) minutes until the entry of unofficial results is completed.

SECTION 94. IC 3-12-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. After the county election board has tabulated the vote:

- (1) the canvass sheets used by the board; and
- (2) the certificates, poll lists, and tally papers returned by each inspector in the county;

shall be delivered to the circuit court clerk. The clerk shall file and preserve all the material in the clerk's office as provided in ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

SECTION 95. IC 3-12-4-16 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 16: If there is a disagreement between the members of a county election board as to how the vote of a precinct should be counted, the board shall:~~

- ~~(1) immediately report the matter in dispute to the judge of the circuit court, superior court, or probate court; and~~
- ~~(2) provide the judge with a written brief stating the grounds of the disagreement and all papers concerning the matter.~~

SECTION 96. IC 3-12-4-17 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 17: The judge of the circuit court, superior court, or probate court shall summarily determine a dispute presented under section 16 of this chapter and direct the county election board how to count the vote. The judge's determination is final with respect to the action of the board.~~

SECTION 97. IC 3-12-13-6, AS ADDED BY P.L.34-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The secretary of state may waive the requirement of section 5 of this chapter, after a written request by a county election board.

(b) The secretary of state may waive the requirement of section 5 of this chapter only if the county election board shows that the technology in use by the county will not enable the county election board to satisfy the requirements for a risk-limiting audit for an election. ~~held after December 31, 2020.~~

SECTION 98. IC 3-13-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. A candidate vacancy that exists on a primary election ballot may not be filled for the primary



election. The resulting vacancy on the following general or municipal election ballot may be filled in the manner prescribed by this chapter ~~but only~~ if it is filled by **not later than the noon June 30 before election day: July 3 certification deadline under section 15(c) of this chapter.**

SECTION 99. IC 3-13-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Except as provided in subsection (b), action to fill a candidate vacancy must be taken:

- (1) not later than noon ~~June 30~~ **July 3** after the primary election if the vacancy exists on a general or municipal election ballot; and
- (2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

(b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general, municipal, or special election and that is due to any of the following:

- (1) The death of a candidate.
- (2) The withdrawal of a candidate.
- (3) The disqualification of a candidate under IC 3-8-1-5.
- (4) A court order issued under IC 3-8-7-29(d).
- (5) The successful challenge of a candidate nominated by a state, county, or town convention of a political party.**
- (6) The successful challenge of candidate under IC 3-8-8.**
- (7) The successful challenge of a candidate under sections 16.5 and 20.5 of this chapter.**

Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

SECTION 100. IC 3-13-1-10.5, AS AMENDED BY P.L.169-2015, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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.**

~~(a)~~ **(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 ~~or committee~~ 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 ~~or committee~~ meeting.

~~(b)~~ **(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). 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.

~~(c)~~ **(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 101. IC 3-14-4-10, AS AMENDED BY P.L.158-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. A person who knowingly violates:

(1) IC 3-11.5-5;

(2) IC 3-11.5-6; **or**

(3) IC 3-12-2-1;

~~(4) IC 3-12-3-14; or~~

~~(5) IC 3-12-3.5-7;~~

by providing any other person with information concerning the number of votes a candidate received for an office or cast to approve or reject a public question on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a Level 6 felony.

SECTION 102. IC 20-23-4-30, AS AMENDED BY P.L.219-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. (a) This section applies to each school corporation.

(b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

(c) If after the first governing body takes office, **fewer candidates have been elected to the school board than there were members to be elected, the governing body shall determine not later than noon December 31 following the election which incumbent member or members continue to hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified. However, if there is a vacancy on the governing body, for any reason, including the failure of the sufficient number of petitions for candidates being filed,** whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the



vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

- (1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or
- (2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

(e) At the first general election in which members of the governing body are elected:

- (1) a simple majority of the candidates elected as members of the governing body who receive the greatest number of votes shall be elected for four (4) year terms; and
- (2) the balance of the candidates elected as members of the governing body receiving the next greatest number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

(f) Elected governing body members take office and assume their duties on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 immediately after the member's election.

SECTION 103. IC 20-23-12-9, AS AMENDED BY P.L.278-2019, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. The members are elected as follows:

- (1) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2020 and every four (4) years thereafter.



(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2022 and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the general election to be held in ~~2020~~ **2024** and every four (4) years thereafter.

SECTION 104. IC 20-23-14-9, AS AMENDED BY P.L.278-2019, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the general election to be held in ~~2020~~ **2024** and every four (4) years thereafter.

(2) Two (2) of the members are elected at the general election to be held in 2022 and every four (4) years thereafter.

SECTION 105. IC 20-23-17-8, AS AMENDED BY P.L.74-2017, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This subsection applies to a member of the governing body elected at the 2016 general election. The successors of a member elected at the 2016 general election shall:

(1) be elected at the ~~2020~~ **2024** general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

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

(b) This subsection applies to the appointed member of the governing body whose term expires December 31, 2017. The successors of this member shall be appointed by the city legislative body as provided in section 3(a)(3) of this chapter and take office as provided in section 4 of this chapter.

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

(1) be elected at the ~~2018~~ **2022** general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

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

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

SECTION 106. IC 20-23-17.2-3.1, AS AMENDED BY P.L.278-2019, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.1. (a) The governing body of the school corporation consists of five (5) members, elected as



provided in this chapter.

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

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

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

- (1) At large by all the voters of the school corporation.
- (2) On a nonpartisan basis.
- (3) At the general election held in the county in ~~2020~~ **2024** and every four (4) years thereafter.

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

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

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

SECTION 107. IC 20-26-4-4, AS AMENDED BY P.L.233-2015, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. **If fewer candidates have been elected to the school board than there were members to be elected, the governing body shall determine not later than noon December 31 following the election which incumbent member or members continue to hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified. However, if a vacancy in the membership of a governing body occurs, for any reason (including the failure of a sufficient number of petitions for candidates for governing body membership being filed for an election and whether the vacancy was of an elected or appointed member, the remaining members of the governing body shall by majority vote fill the vacancy by appointing a person from within the boundaries of the school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the membership, to serve for the term or the balance of the term. However, this subsection does not apply to a vacancy:**

- (1) of a member who serves on a governing body in an ex officio capacity; or
- (2) a vacancy in an appointed board membership if a plan, resolution, or law under which the school corporation operates specifically provides for filling vacancies by the appointing



authority.

SECTION 108. IC 33-35-1-1, AS AMENDED BY P.L.278-2019, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) During 2022 and every fourth year after that, a second or third class city or a town may by ordinance establish or abolish a city or town court. An ordinance to establish a city or town court must be adopted not less than one (1) year before the judge's term would begin under section 3 of this chapter.

(b) The judge for a court established under subsection (a) shall be elected under IC 3-10-6 or IC 3-10-7 at the municipal election in November ~~2019~~ **2023** and every four (4) years thereafter.

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

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

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

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

SECTION 109. IC 36-3-4-2, AS AMENDED BY P.L.266-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A city-county council, which is the legislative body of both the consolidated city and the county, shall be elected under IC 3-10-6 by the voters of the county. The city-county council consists of ~~the following members:~~

- ~~(1) Before January 1, 2016, twenty-nine (29) members;~~
- ~~(2) After December 31, 2015, twenty-five (25) members.~~

(b) To be eligible to serve as a member of the legislative body, a person must meet the qualifications prescribed by IC 3-8-1-25.

(c) A member of the legislative body must reside within:

- (1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and
- (2) the district from which the member was elected.

(d) A vacancy in the legislative body occurs whenever a member:

- (1) dies, resigns, or is removed from office;
- (2) ceases to be a resident of the district from which the member was elected; or
- (3) is incapacitated to the extent that the member is unable to perform the member's duties for more than six (6) months.



(e) The vacancy shall be filled under IC 3-13-8.

(f) The term of office of a member of the legislative body is four (4) years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified.

SECTION 110. 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: _____

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