

HOUSE BILL No. 1521

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-40.3; IC 3-6-11-5; IC 3-7-38.2; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5-5-14; IC 3-11.7-5-15; IC 3-12.

Synopsis: Various election law matters. Provides for the election of alternate presidential electors to fill vacancies in the office of presidential electors. Requires a nominee for presidential elector or alternate presidential elector to file at the time of nomination or certification a pledge to vote for: (1) the presidential elector's or alternate presidential elector's party nominees for President of the United States and Vice President of the United States; or (2) if the presidential elector or alternate presidential elector is not nominated by a political party, the candidates for President and Vice President on whose behalf the presidential elector or alternate presidential elector is nominated. Provides for replacing a presidential elector who refuses to vote or cast a ballot as the presidential elector has pledged. Establishes other procedures relating to casting Indiana's electoral votes. Amends statutes to conform language to the terminology used for presidential electors. (These provisions are based on the Uniform Faithful Presidential Electors Act.) Provides that, beginning in 2019, the National Voter Registration Act (NVRA) official shall conduct a residency confirmation and outreach procedure in odd-numbered years instead of even-numbered years (which is the requirement under current law). Provides that the existing statute providing for the residency confirmation and outreach procedure expires after 2018. Provides that if a circuit court clerk denies certification of a petition of nomination filed by a candidate in person, the clerk shall notify the candidate in person of the denial of the certification. Makes a technical correction in a statute relating to poll takers that was amended during the 2016 session of the general assembly.

Effective: March 21, 2016 (retroactive); July 1, 2017.

Richardson

January 18, 2017, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1521

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

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

1 SECTION 1. IC 3-5-2-40.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: **Sec. 40.3. (a) "Presidential elector" refers to an elector for**
4 **President and Vice President of the United States as provided in**
5 **Article 2, Section 1, clause 2 of the Constitution of the United**
6 **States and Section 3 of the Fourteenth Amendment to the**
7 **Constitution of the United States.**

8 (b) **The term includes an alternate presidential elector elected**
9 **as provided in IC 3-10-4, unless the text or the context of the**
10 **statute provides otherwise.**

11 SECTION 2. IC 3-6-11-5, AS AMENDED BY P.L.83-2016,
12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 MARCH 21, 2016 (RETROACTIVE)]: **Sec. 5. (a)** This section does
14 not apply to the proprietor or manager of a residential mental health
15 facility.

16 (b) As used in this section, "place of lodging" refers to any of the
17 following:



- 1 (1) A boarding house.
 2 (2) A lodging house.
 3 (3) A residential building.
 4 (4) An apartment.
 5 (5) Any other place within which persons are lodged.
 6 (c) The:
 7 (1) proprietor or manager of a place of lodging; **or**
 8 (2) **association of co-owners;**
 9 shall allow a poll taker for a political party or an independent candidate
 10 for a federal or a state office to enter a place of lodging or a
 11 condominium during reasonable hours to take a poll of residents.
 12 SECTION 3. IC 3-7-38.2-16, AS AMENDED BY P.L.169-2015,
 13 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2017]: Sec. 16. (a) During each even-numbered year, the
 15 NVRA official shall conduct a residency confirmation and outreach
 16 procedure under this chapter. The NVRA official (or a contractor
 17 acting on behalf of the NVRA official) shall send a nonforwardable
 18 mailing by U.S. mail, postage prepaid, to each active voter (as defined
 19 in IC 3-11-18.1-2) in Indiana at the voter's mailing address.
 20 (b) The NVRA official shall, not later than January 31 of each
 21 even-numbered year, request information from the:
 22 (1) United States District Court for the Northern District of
 23 Indiana; and
 24 (2) United States District Court for the Southern District of
 25 Indiana;
 26 concerning the return of U.S. mail sent by the court for jury selection
 27 purposes. Not later than twenty-eight (28) days following the primary
 28 election conducted in that year, the state shall provide each county
 29 voter registration office with information concerning any registered
 30 voter who appears to no longer reside at the address set forth in the
 31 voter's registration record due to a mailing returned to the courts. Not
 32 later than forty-two (42) days following the primary election conducted
 33 in that year, the county voter registration office shall send an address
 34 confirmation notice to the voter described by this subsection at the
 35 voter's mailing address.
 36 **(c) This section expires January 1, 2019.**
 37 SECTION 4. IC 3-7-38.2-16.1 IS ADDED TO THE INDIANA
 38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2017]: **Sec. 16.1. (a) This section applies only**
 40 **after December 31, 2018.**
 41 **(b) During each odd-numbered year, the NVRA official shall**
 42 **conduct a residency confirmation and outreach procedure under**



1 **this chapter. The NVRA official (or a contractor acting on behalf**
 2 **of the NVRA official) shall send a nonforwardable mailing by U.S.**
 3 **mail, postage prepaid, to each active voter (as defined in**
 4 **IC 3-11-18.1-2) in Indiana at the voter's mailing address.**

5 **(c) The NVRA official shall, not later than January 31 of each**
 6 **odd-numbered year, request information from the:**

7 **(1) United States District Court for the Northern District of**
 8 **Indiana; and**

9 **(2) United States District Court for the Southern District of**
 10 **Indiana;**

11 **concerning the return of U.S. mail sent by the court for jury**
 12 **selection purposes. Not later than June 15 of that year, the state**
 13 **shall provide each county voter registration office with information**
 14 **concerning any registered voter who appears to no longer reside at**
 15 **the address set forth in the voter's registration record due to a**
 16 **mailing returned to the courts. Not later than July 1 of that year,**
 17 **the county voter registration office shall send an address**
 18 **confirmation notice to the voter described by this subsection at the**
 19 **voter's mailing address.**

20 SECTION 5. IC 3-8-1-6 IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) A candidate for the office of
 22 President or Vice President of the United States must have the
 23 qualifications provided in Article 2, Section 1, clause 4 of the
 24 Constitution of the United States.

25 (b) A candidate for the office of **presidential elector for President**
 26 **and Vice President of the United States or alternate presidential**
 27 **elector** must have the qualifications provided in Article 2, Section 1,
 28 clause 2 of the Constitution of the United States and Section 3 of the
 29 Fourteenth Amendment to the Constitution of the United States.

30 SECTION 6. IC 3-8-2-2.5, AS AMENDED BY P.L.169-2015,
 31 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2017]: Sec. 2.5. (a) A person who desires to be a write-in
 33 candidate for a federal, state, legislative, or local office or school board
 34 office in a general, municipal, or school board election must file a
 35 declaration of intent to be a write-in candidate with the officer with
 36 whom declaration of candidacy must be filed under sections 5 and 6 of
 37 this chapter.

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

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

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



- 1 and
- 2 (B) the candidate's name is permitted to appear under IC 3-5-7.
- 3 (2) A statement that the candidate is a registered voter and the
- 4 location of the candidate's precinct and township (or ward and
- 5 city or town), county, and state.
- 6 (3) The candidate's complete residence address, and if the
- 7 candidate's mailing address is different from the residence
- 8 address, the mailing address.
- 9 (4) The candidate's party affiliation or a statement that the
- 10 candidate is an independent candidate (not affiliated with any
- 11 party). The candidate may not claim affiliation with any political
- 12 party described by IC 3-8-4-1.
- 13 (5) A statement of the candidate's intention to be a write-in
- 14 candidate, the name of the office, including the district, and the
- 15 date and type of election.
- 16 (6) If the candidate is a candidate for the office of President or
- 17 Vice President of the United States, a statement declaring the
- 18 names of the individuals who have consented and are eligible to
- 19 be the candidate's candidates for presidential electors **and each**
- 20 **candidate for alternate presidential elector for each**
- 21 **presidential elector.**
- 22 (7) The following statements:
- 23 (A) A statement that the candidate has attached either of the
- 24 following to the declaration:
- 25 (i) A copy of a statement of economic interests, file stamped
- 26 by the office required to receive the statement of economic
- 27 interests.
- 28 (ii) A receipt or photocopy of a receipt showing that a
- 29 statement of economic interests has been filed.
- 30 This requirement does not apply to a candidate for a federal
- 31 office.
- 32 (B) A statement that the candidate understands that if the
- 33 candidate is elected to the office, the candidate may be
- 34 required to obtain and file an individual surety bond before
- 35 serving in the office. This requirement does not apply to a
- 36 candidate for a federal office or legislative office.
- 37 (C) A statement that the candidate understands that if the
- 38 candidate is elected to the office, the candidate may be
- 39 required to successfully complete training or have attained
- 40 certification related to service in an elected office. This
- 41 requirement does not apply to a candidate for a federal office,
- 42 state office, or legislative office.



- 1 (D) A statement that the candidate:
 2 (i) is aware of the provisions of IC 3-9 regarding campaign
 3 finance and the reporting of campaign contributions and
 4 expenditures; and
 5 (ii) agrees to comply with the provisions of IC 3-9.
 6 This requirement does not apply to a candidate for a federal
 7 office.
 8 The candidate must separately initial each of the statements
 9 required by this subdivision.
 10 (8) A statement as to whether the candidate has:
 11 (A) been a candidate for state or local office in a previous
 12 primary or general election; and
 13 (B) filed all reports required by IC 3-9-5-10 for all previous
 14 candidacies.
 15 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 16 candidate has filed a campaign finance statement of organization
 17 for the candidate's principal committee or is aware that the
 18 candidate may be required to file a campaign finance statement of
 19 organization not later than noon seven (7) days after the final date
 20 to file the declaration of intent to be a write-in candidate under
 21 section 4 of this chapter.
 22 (10) If the candidate is subject to IC 3-9-1-5.5, a statement that
 23 the candidate is required to file a campaign finance statement of
 24 organization under IC 3-9 after the first of either of the following
 25 occurs:
 26 (A) The candidate receives more than five hundred dollars
 27 (\$500) in contributions.
 28 (B) The candidate makes more than five hundred dollars
 29 (\$500) in expenditures.
 30 (11) A statement that the candidate complies with all
 31 requirements under the laws of Indiana to be a candidate for the
 32 above named office, including any applicable residency
 33 requirements, and that the candidate is not ineligible to be a
 34 candidate due to a criminal conviction that would prohibit the
 35 candidate from serving in the office.
 36 (12) The candidate's signature and telephone number.
 37 (c) At the time of filing the declaration of intent to be a write-in
 38 candidate, the write-in candidate is considered a candidate for all
 39 purposes.
 40 (d) A write-in candidate must comply with the requirements under
 41 IC 3-8-1 that apply to the office to which the write-in candidate seeks
 42 election.



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

3 (f) A write-in candidate for the office of President or Vice President
4 of the United States must list **at least one (1) candidate for the**
5 **following:**

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

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

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

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

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

17 (h) A declaration of intent to be a write-in candidate must include
18 a statement that the candidate requests the name on the candidate's
19 voter registration record be the same as the name the candidate uses on
20 the declaration of intent to be a write-in candidate. If there is a
21 difference between the name on the candidate's declaration of intent to
22 be a write-in candidate and the name on the candidate's voter
23 registration record, the officer with whom the declaration of intent to
24 be a write-in candidate is filed shall forward the information to the
25 voter registration officer of the appropriate county as required by
26 IC 3-5-7-6(e). The voter registration officer of the appropriate county
27 shall change the name on the candidate's voter registration record to be
28 the same as the name on the candidate's declaration of intent to be a
29 write-in candidate.

30 SECTION 7. IC 3-8-2.5-6, AS ADDED BY P.L.194-2013,
31 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2017]: Sec. 6. (a) The circuit court clerk with whom the
33 petition of nomination has been filed by a county voter registration
34 office under section 5 of this chapter shall:

35 (1) determine whether a sufficient number of signatures as
36 required by section 2 of this chapter have been obtained; and

37 (2) do one (1) of the following:

38 (A) If the petition includes a sufficient number of signatures,
39 certify the petition.

40 (B) If the petition has an insufficient number of signatures,
41 deny the certification.

42 (b) If the circuit court clerk with whom the petition was filed denies



1 certification under subsection (a), the clerk shall notify the candidate
2 immediately:

- 3 **(1) in person, if the candidate files the petition in person; or**
4 **(2) by certified mail.**

5 (c) A candidate may contest the denial of certification based on:

- 6 (1) the county voter registration office's failure to certify
7 individual signers as qualified petitioners; or
8 (2) the determination by the clerk that the petition has an
9 insufficient number of signatures;

10 using the procedure in IC 3-8-1-2 and section 7 of this chapter that
11 applies to questions concerning the validity of a petition of nomination.

12 SECTION 8. IC 3-8-4-2, AS AMENDED BY P.L.169-2015,
13 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2017]: Sec. 2. (a) A political party shall conduct a state
15 convention to nominate the candidates of the political party for the
16 following offices to be voted on at the next general election:

- 17 (1) Lieutenant governor.
18 (2) Secretary of state.
19 (3) Auditor of state.
20 (4) Treasurer of state.
21 (5) Attorney general.
22 (6) Superintendent of public instruction.

23 (b) The convention may also:

- 24 (1) nominate candidates for presidential electors and alternate
25 **presidential** electors; and
26 (2) elect the delegates and alternate delegates to the national
27 convention of the political party.

28 (c) If a political party's state convention does not:

- 29 (1) nominate candidates for presidential electors and alternate
30 **presidential** electors; or
31 (2) elect the delegates and alternate delegates to the national
32 convention of the political party;

33 the candidates shall be nominated or the delegates elected as provided
34 in the state party's rules.

35 SECTION 9. IC 3-10-2-3, AS AMENDED BY P.L.216-2015,
36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2017]: Sec. 3. **Presidential electors and alternate**
38 **presidential** electors for ~~President and Vice-President of the United~~
39 ~~States~~ shall be elected in ~~2016~~ **2020** and every four (4) years thereafter
40 at a general election held in accordance with 3 U.S.C. 1.

41 SECTION 10. IC 3-10-4-1, AS AMENDED BY P.L.1-2006,
42 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2017]: Sec. 1. (a) The names of the candidates of:

2 (1) a political party;

3 (2) a group of petitioners under IC 3-8-6; or

4 (3) a write-in candidate for the office of President or Vice
5 President of the United States under IC 3-8-2-2.5;

6 for **presidential electors of President and Vice President of the United**
7 **States and alternate presidential electors** may not be placed on the
8 ballot.

9 (b) The names of the nominees for President and Vice President of
10 the United States of each political party or group of petitioners shall be
11 placed:

12 (1) in one (1) column on the ballot if paper ballots are used;

13 (2) either:

14 (A) grouped together on a separate screen; or

15 (B) grouped together below the names of the offices as
16 specified in IC 3-11-14-3.5;

17 if an electronic voting system is used; or

18 (3) grouped together below the names of the offices as specified
19 in IC 3-11-13-11 if a ballot card is used.

20 (c) The ballot must permit a voter to cast a ballot for a write-in
21 candidate for the office of President or Vice President of the United
22 States in the manner provided under IC 3-11-2-6.

23 SECTION 11. IC 3-10-4-1.5 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2017]: **Sec. 1.5. For each presidential elector position in Indiana:**

26 **(1) a political party;**

27 **(2) a group of petitioners under IC 3-8-6; or**

28 **(3) a write-in candidate for the office of President or Vice**
29 **President of the United States under IC 3-8-2-2.5;**

30 **must submit the names of two (2) qualified individuals. One (1) of**
31 **the individuals must be designated "presidential elector nominee"**
32 **and the other individual "alternate presidential elector nominee".**
33 **Except as otherwise provided in this chapter, Indiana's presidential**
34 **electors and alternate presidential electors are the winning**
35 **presidential elector and alternate presidential elector nominees**
36 **under this title.**

37 SECTION 12. IC 3-10-4-1.7 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2017] **Sec. 1.7. (a) Each presidential elector nominee and each**
40 **alternate presidential elector nominee of a political party shall**
41 **execute the following pledge: "If selected for the office of**
42 **presidential elector, I agree to serve and to mark my ballots for**



1 **President and Vice President for the nominees for those offices of**
 2 **the party that nominated me."**

3 (b) **Each presidential elector nominee and each alternate**
 4 **presidential elector nominee of a candidate not affiliated with a**
 5 **political party shall execute the following pledge: "If selected for**
 6 **the office of elector for a presidential candidate not affiliated with**
 7 **a political party, I agree to serve and to mark my ballots for that**
 8 **candidate and for that candidate's vice-presidential running**
 9 **mate."**

10 (c) **The executed pledges must accompany the certification of**
 11 **the names of the presidential electors and alternate presidential**
 12 **electors.**

13 SECTION 13. IC 3-10-4-3 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. The device, title, and
 15 names of nominees appearing on a ballot or ballot label shall be
 16 accompanied by a statement that a ballot cast for the named candidates
 17 for President and Vice President of the United States is considered a
 18 ballot cast for the slate of presidential electors **and alternate**
 19 **presidential electors** nominated by that political party or independent
 20 candidate.

21 SECTION 14. IC 3-10-4-4, AS AMENDED BY P.L.1-2010,
 22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2017]: Sec. 4. Each vote cast or registered:

24 (1) for the nominees for President and Vice President of the
 25 United States of:

26 (A) a political party; or

27 (B) a group of petitioners; or

28 (2) for a write-in candidate for President or Vice President of the
 29 United States;

30 is a vote cast or registered for all of the candidates for presidential
 31 electors **and alternate presidential electors** of the party, group, or
 32 write-in candidate and shall be so counted. These votes shall be
 33 counted, canvassed, and certified in the same manner as the votes for
 34 candidates for other offices.

35 SECTION 15. IC 3-10-4-5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) This subsection
 37 applies to a major political party and to a political party subject to
 38 IC 3-8-4-10. The state chairman of each political party shall certify to
 39 the election division the names of the nominees of the party for
 40 President and Vice President of the United States and the state of which
 41 each nominee is a resident.

42 (b) If candidates for presidential electors **and alternate**



1 **presidential electors** are nominated by petitioners instead of by a
 2 convention of a major political party or a party subject to IC 3-8-4-10,
 3 the petitioners shall certify with the list of names of **the presidential**
 4 **electors the following:**

5 (1) The names of their nominees for President and Vice President
 6 of the United States.

7 (2) The state of which each nominee is a resident. ~~and~~

8 (3) The name of the political party of the nominees, or that the
 9 nominees are an independent ticket.

10 (c) This subsection applies to a political party described in
 11 subsection (a) and to candidates nominated by petitioners under
 12 subsection (b). The names of:

13 (1) all candidates for:

14 (A) presidential electors; and

15 (B) **alternate presidential electors; and**

16 (2) all nominees for President and Vice President of the United
 17 States;

18 shall be certified to the election division not later than noon on the
 19 second Tuesday in September before the general election. The election
 20 division shall certify to each county election board not later than noon
 21 on the next following Thursday in September before the general
 22 election the names of the nominees for President and Vice President of
 23 the United States certified to the election division under this
 24 subsection.

25 (d) The names of all candidates for presidential electors **and**
 26 **alternate presidential electors** for a write-in candidate shall be
 27 included on the declaration for candidacy filed by a write-in candidate
 28 for the office of President or Vice President of the United States filed
 29 under IC 3-8-2.

30 SECTION 16. IC 3-10-4-6.5 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2017]: **Sec. 6.5. In submitting Indiana's certificate of**
 33 **ascertainment as required by 3 U.S.C. 6, the governor shall certify**
 34 **Indiana's presidential electors and state in the certificate the**
 35 **following:**

36 (1) **That the presidential electors will serve as presidential**
 37 **electors unless a vacancy occurs in the office of presidential**
 38 **elector before the end of the meeting at which votes are cast,**
 39 **in which case an alternate presidential elector will fill the**
 40 **vacancy as a presidential elector.**

41 (2) **If an alternate presidential elector is appointed to fill a**
 42 **vacancy, the governor will submit an amended certificate of**



1 **ascertainment stating the names on the final list of Indiana's**
 2 **presidential electors.**

3 SECTION 17. IC 3-10-4-7 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) The presidential
 5 electors **and alternate presidential electors** who are elected at a
 6 general election shall assemble in the chamber of the Indiana house of
 7 representatives on the first Monday after the second Wednesday in
 8 December as provided by 3 U.S.C. 7, or on another day fixed by the
 9 Congress of the United States, at 10 a.m. to elect the President and
 10 ~~Vice-President~~ **Vice President** of the United States.

11 (b) The secretary of state, or an individual designated by the
 12 secretary, shall preside at this meeting. The election division shall
 13 assist the secretary in conducting the election and in certifying and
 14 transmitting the results in accordance with federal law.

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

19 SECTION 18. IC 3-10-4-8 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) **This section**
 21 **applies** if a presidential elector:

22 (1) files the **presidential** elector's resignation with the governor
 23 under IC 5-8-3.5;

24 (2) dies or is otherwise disqualified from holding office, and the
 25 **presidential** elector's death or disqualification is certified to the
 26 governor by the state chairman of the political party of the
 27 **presidential** elector; ~~or~~

28 (3) fails to appear before 11 a.m. on the day prescribed by section
 29 7 of this chapter; ~~or~~

30 **(4) vacates the presidential elector's office as described in**
 31 **section 9(d) of this chapter.**

32 **(b) If the presidential elector's alternate presidential elector is**
 33 **present to vote, the alternate presidential elector shall fill the**
 34 **vacancy. If the alternate presidential elector is not present, the**
 35 **presidential** electors present shall, by paper ballot and a majority vote
 36 of all those present, immediately fill the vacancy upon proof of the
 37 resignation or certification being provided to the **presidential** electors,
 38 or at 11 a.m., whichever occurs first. **The presidential electors must**
 39 **fill the vacancy as follows:**

40 **(1) If the alternate presidential elector for the vacant office is**
 41 **not present to vote, by choosing a presidential elector from**
 42 **among the alternate presidential electors present.**



1 **(2) If the number of alternate presidential electors present is**
 2 **insufficient to fill any vacant position under subdivision (1),**
 3 **by electing any immediately available individual who is**
 4 **qualified to serve as a presidential elector.**

5 **(c) To qualify as an alternate presidential elector under**
 6 **subsection (b), an individual who has not executed the pledge**
 7 **required under section 1.7 of this chapter must execute the**
 8 **following pledge: "I agree to serve and to mark my ballots for**
 9 **President and Vice President consistent with the pledge of the**
 10 **individual to whose presidential elector position I have**
 11 **succeeded.".**

12 ~~(b)~~ **(d) The election shall immediately be certified by a majority of**
 13 **the presidential electors to the governor, who shall immediately notify**
 14 **the person individual of the person's individual's election by**
 15 **presenting the elector individual with a commission issued under**
 16 **IC 4-3-1-5.**

17 SECTION 19. IC 3-10-4-9 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. **(a) The presidential**
 19 **electors, when assembled and after vacancies are filled, shall then vote**
 20 **by paper ballot for President and Vice President of the United States**
 21 **and perform the duties imposed upon them by the Constitution and**
 22 **statutes of the United States and of this state: Indiana.**

23 **(b) Each presidential elector shall mark the presidential**
 24 **elector's presidential and vice-presidential ballots with the**
 25 **presidential elector's votes for the offices of President and Vice**
 26 **President, respectively, along with the presidential elector's**
 27 **signature and the presidential elector's legibly printed name.**

28 **(c) Except as otherwise provided by Indiana law other than this**
 29 **chapter, each presidential elector shall present both completed**
 30 **ballots to the secretary of state, who shall examine the ballots and**
 31 **accept as cast all ballots of presidential electors whose votes are**
 32 **consistent with the presidential electors' pledges executed under**
 33 **section 1.7 or 8(c) of this chapter. Except as otherwise provided by**
 34 **Indiana law other than this chapter, the secretary of state may not**
 35 **accept and may not count either a presidential elector's**
 36 **presidential or vice-presidential ballot if the presidential elector**
 37 **has not marked both ballots or has marked a ballot in violation of**
 38 **the presidential elector's pledge.**

39 **(d) A presidential elector who refuses to present a ballot,**
 40 **presents an unmarked ballot, or presents a ballot marked in**
 41 **violation of the presidential elector's pledge executed under section**
 42 **1.7 or 8(c) of this chapter, vacates the office of presidential elector.**



1 **The vacant presidential elector office shall be filled as provided in**
 2 **section 8 of this chapter.**

3 **(e) The secretary of state shall distribute ballots to and collect**
 4 **ballots from an alternate presidential elector and repeat the**
 5 **process under this section of examining ballots, declaring vacant**
 6 **offices as required, and recording appropriately completed ballots**
 7 **from the alternate presidential electors, until all of Indiana's**
 8 **electoral votes have been cast and recorded.**

9 SECTION 20. IC 3-10-4-11 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2017]: **Sec. 11. (a) After the vote of Indiana's presidential**
 12 **electors is completed, if the final list of presidential electors differs**
 13 **from any list that the governor previously included on a certificate**
 14 **of ascertainment prepared and transmitted under 3 U.S.C. 6, the**
 15 **secretary of state immediately shall prepare an amended certificate**
 16 **of ascertainment and transmit it to the governor for the governor's**
 17 **signature.**

18 **(b) The governor immediately shall deliver the signed amended**
 19 **certificate of ascertainment to the secretary of state and a signed**
 20 **duplicate original of the amended certificate of ascertainment to all**
 21 **individuals entitled to receive Indiana's certificate of**
 22 **ascertainment, indicating that the amended certificate of**
 23 **ascertainment is to be substituted for the previously submitted**
 24 **certificate of ascertainment.**

25 **(c) The secretary of state shall prepare a certificate of vote. The**
 26 **presidential electors listed on the final certificate of ascertainment**
 27 **shall sign the certificate of vote. The secretary of state shall process**
 28 **and transmit the signed certificate of vote with the amended**
 29 **certificate of ascertainment under 3 U.S.C. 9, 3 U.S.C. 10, and 3**
 30 **U.S.C. 11.**

31 SECTION 21. IC 3-10-7-2.9 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 2.9. (a) This section**
 33 **does not apply to a town located wholly or partially within a county**
 34 **having a consolidated city.**

35 **(b) During the year preceding a municipal election conducted under**
 36 **section 2 of this chapter, a town may adopt an ordinance changing the**
 37 **time municipal elections are held for the offices of the town legislative**
 38 **body members, clerk-treasurer, and judge.**

39 **(c) The ordinance described in subsection (b) must provide all the**
 40 **following:**

41 **(1) The years in which town elections shall be held. A town**
 42 **election may not be held in a year following a year in which an**



- 1 election for **presidential** electors for **President of the United**
 2 **States** is held.
- 3 (2) That the elections for town offices shall be held during general
 4 elections or municipal elections, or both.
- 5 (3) Which town officers are to be elected in each of the years of
 6 the town election cycle. The ordinance must provide that at least
 7 two (2) town officers shall be elected in each year of the town
 8 election cycle. The ordinance may provide for all town officers to
 9 be elected at the same election.
- 10 (4) The term of office of each town officer elected in the first
 11 election cycle after adoption of the ordinance. A term of office set
 12 under this subdivision may not exceed four (4) years.
- 13 (5) That the term of office of each town officer elected after the
 14 first election cycle after adoption of the ordinance is four (4)
 15 years.
- 16 (6) That the term of office of each town officer begins on January
 17 1 after the election.
- 18 (d) A town may repeal an ordinance adopted under subsection (b)
 19 subject to both of the following:
- 20 (1) The ordinance may not be repealed earlier than twelve (12)
 21 years after the ordinance was adopted.
- 22 (2) The ordinance may be repealed only in a year preceding a
 23 municipal election held at the time described in IC 3-10-6-5.
- 24 SECTION 22. IC 3-10-10-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. Notwithstanding
 26 other provisions in IC 3-7 concerning residency requirements for
 27 voting, special procedures apply for voting in presidential elections.
 28 The presidential voting procedures in this chapter apply only to a
 29 general election at which **presidential** electors for **President and Vice**
 30 **President of the United States** are voted upon.
- 31 SECTION 23. IC 3-10-10-6 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. All affidavits, forms,
 33 and records of voter registration must be clearly marked to indicate
 34 that, in this general election, the voter may only vote for **presidential**
 35 electors. ~~for President and Vice President of the United States.~~
- 36 SECTION 24. IC 3-11-3-29.5, AS AMENDED BY P.L.258-2013,
 37 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2017]: Sec. 29.5. (a) This section applies to a general or
 39 special election in which the name of a candidate appears on the ballot.
 40 This section does not apply to an election for presidential electors. ~~in~~
 41 ~~which the name of a candidate for President of the United States or~~
 42 ~~Vice President of the United States appears on the ballot.~~



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

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

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

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

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

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

14 (1) The absentee voter board.

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

17 (3) The circuit court clerk.

18 (d) The election board may order the printing of new ballots that
 19 omit the name of a candidate described in subsection (b). A ballot
 20 printed under this subsection must contain the statement "NO
 21 CANDIDATE" or "CANDIDATE DECEASED" or words to that effect
 22 at the appropriate position on the ballot.

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

28 SECTION 25. IC 3-11-7-4, AS AMENDED BY P.L.21-2016,
 29 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2017]: Sec. 4. (a) Except as provided in subsection (b), a
 31 ballot card voting system must permit a voter to vote:

32 (1) except at a primary election, a straight party ticket for all of
 33 the candidates of one (1) political party by a single voting mark
 34 on each ballot card;

35 (2) for one (1) or more candidates of each political party or
 36 independent candidates, or for one (1) or more school board
 37 candidates nominated by petition;

38 (3) a split ticket for the candidates of different political parties
 39 and for independent candidates; or

40 (4) a straight party ticket and then split that ticket by casting
 41 individual votes for candidates of another political party or
 42 independent candidate.



1 (b) A ballot card voting system must require that a voter who wishes
2 to cast a ballot for a candidate for election to an at-large district on a:

- 3 (1) county council;
4 (2) city common council;
5 (3) town council; or
6 (4) township board;

7 make a voting mark for each individual candidate for whom the voter
8 wishes to cast a vote. The ballot card voting system may not count any
9 straight party ticket voting mark as a vote for any candidate for an
10 office described by this subsection.

11 (c) A ballot card voting system must permit a voter to vote:

12 (1) for all candidates for presidential electors **and alternate**
13 **presidential electors** of a political party or an independent ticket
14 by making a single voting mark; and

15 (2) for or against a public question on which the voter may vote.

16 SECTION 26. IC 3-11-7.5-10, AS AMENDED BY P.L.21-2016,
17 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2017]: Sec. 10. (a) Except as provided in subsection (b), an
19 electronic voting system must permit a voter to vote:

20 (1) except at a primary election, a straight party ticket for all the
21 candidates of one (1) political party by touching the device of that
22 party;

23 (2) for one (1) or more candidates of each political party or
24 independent candidates, or for one (1) or more school board
25 candidates nominated by petition;

26 (3) a split ticket for the candidates of different political parties
27 and for independent candidates; or

28 (4) a straight party ticket and then split that ticket by casting
29 individual votes for candidates of another political party or
30 independent candidates.

31 (b) An electronic voting system must require that a voter who
32 wishes to cast a ballot for a candidate for election to an at-large district
33 on a:

- 34 (1) county council;
35 (2) city common council;
36 (3) town council; or
37 (4) township board;

38 make a voting mark for each individual candidate for whom the voter
39 wishes to cast a vote. The electronic voting system may not count any
40 straight party ticket voting mark as a vote for any candidate for an
41 office described by this subsection.

42 (c) An electronic voting system must permit a voter to vote:



1 (1) for as many candidates for an office as the voter may vote for,
2 but no more;

3 (2) for or against a public question on which the voter may vote,
4 but no other; and

5 (3) for all the candidates for presidential electors **and alternate**
6 **presidential electors** of a political party or an independent ticket
7 by making a single voting mark.

8 SECTION 27. IC 3-11.5-5-14, AS AMENDED BY P.L.128-2015,
9 SECTION 199, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2017]: Sec. 14. (a) This section applies to the
11 counting of federal write-in absentee ballots described in
12 IC 3-11-4-12.5.

13 (b) If a voter writes an abbreviation, a misspelling, or other minor
14 variation instead of the correct name of a candidate or political party,
15 that vote shall be counted if the intent of the voter can be determined.

16 (c) If a voter casts a ballot under this section for President or Vice
17 President and writes in the name of a candidate or political party that
18 has not:

19 (1) certified a list of **presidential electors and alternate**
20 **presidential electors** under IC 3-10-4-5; or

21 (2) included a list of **presidential electors and alternate**
22 **presidential electors** on the declaration of intent to be a write-in
23 candidate filed by a write-in candidate under IC 3-8-2-2.5;

24 the vote for President or Vice President is void. The remaining votes on
25 the ballot may be counted.

26 (d) As required by 52 U.S.C. 20303(b), and except as provided in
27 this section, an absentee ballot subject to this section shall be submitted
28 and processed in the same manner provided by this title for a regular
29 absentee ballot.

30 (e) IC 3-12-1-7 applies to a ballot subject to this section.

31 (f) As required under 52 U.S.C. 20303(b), a ballot subject to this
32 section may not be counted if:

33 (1) the ballot was submitted:

34 (A) by an overseas voter who is not an absent uniformed
35 services voter; and

36 (B) from within the United States;

37 (2) the overseas voter's application for a regular absentee ballot
38 was received by the county election board after the applicable
39 absentee ballot application deadline set forth in IC 3-11-4-3;

40 (3) the voter's completed regular state absentee ballot was
41 received by the county election board by the deadline for
42 receiving absentee ballots under IC 3-11.5-4-7 or IC 3-12-1-17;



1 or

2 (4) the ballot subject to this section was not received by the
3 county election board by the deadline for receiving absentee
4 ballots under IC 3-11.5-4-7 or IC 3-12-1-17.

5 (g) If a federal write-in absentee ballot is received by the county
6 election board in an envelope that does not indicate that the envelope
7 contains the ballot, and the envelope is opened by the county election
8 board, the absentee ballot shall nevertheless be counted if otherwise
9 valid. The county election board shall:

10 (1) immediately seal the absentee ballot and the envelope in
11 which the ballot was received in a carrier envelope indicating that
12 a voted absentee ballot is enclosed; and

13 (2) document the date the absentee ballot was sealed within the
14 carrier envelope, attested to by the signature of each member of
15 the county election board.

16 SECTION 28. IC 3-11.7-5-15 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. (a) This section
18 applies to the counting of write-in provisional ballots.

19 (b) If a voter writes an abbreviation, a misspelling, or other minor
20 variation instead of the correct name of a candidate or political party,
21 that vote shall be counted if the intent of the voter can be determined.

22 (c) If a voter casts a ballot under this section for President or Vice
23 President of the United States and writes in the name of a candidate or
24 political party that has not certified a list of **presidential electors and**
25 **alternate presidential electors** under IC 3-10-4-5, the vote for
26 President or Vice President of the United States is void. The remaining
27 votes on the ballot may be counted.

28 (d) IC 3-12-1-7 applies to write-in provisional ballots.

29 SECTION 29. IC 3-12-2-7.5, AS AMENDED BY P.L.128-2015,
30 SECTION 209, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2017]: Sec. 7.5. (a) This section applies to the
32 counting of federal write-in absentee ballots described in
33 IC 3-11-4-12.5.

34 (b) If a voter writes an abbreviation, misspelling, or other minor
35 variation instead of the correct name of a candidate or political party,
36 that vote shall be counted if the intent of the voter can be determined.

37 (c) If a voter casts a ballot under this section for President or Vice
38 President of the United States and writes in the name of a candidate or
39 political party that has not:

40 (1) certified a list of **presidential electors and alternate**
41 **presidential electors** under IC 3-10-4-5; or

42 (2) included a list of **presidential electors and alternate**



1 **presidential electors** on the declaration for candidacy filed by a
 2 write-in candidate under IC 3-8-2-2.5;
 3 the vote for President or Vice President is void. The remaining votes on
 4 the ballot may be counted.

5 (d) As required by 52 U.S.C. 20303(b), and except as provided in
 6 this section, an absentee ballot subject to this section shall be submitted
 7 and processed in the same manner provided by this title for a regular
 8 absentee ballot.

9 (e) IC 3-12-1-7 applies to a ballot subject to this section.

10 (f) As required by 52 U.S.C. 20303(b), a ballot subject to this
 11 section may not be counted if:

12 (1) the ballot was submitted:

13 (A) by an overseas voter who is not an absent uniformed
 14 services voter; and

15 (B) from within the United States;

16 (2) the overseas voter's application for a regular absentee ballot
 17 was received by the county election board after the applicable
 18 absentee ballot application deadline set forth in IC 3-11-4-3;

19 (3) the voter's completed regular state absentee ballot was
 20 received by the county election board by the deadline for
 21 receiving absentee ballots under IC 3-11-10-11; or

22 (4) the ballot subject to this section was not received by the
 23 county election board by the deadline for receiving absentee
 24 ballots under IC 3-11-10-11.

25 (g) If a federal write-in absentee ballot is received by the county
 26 election board in an envelope that does not indicate that the envelope
 27 contains the ballot, and the envelope is opened by the county election
 28 board, the absentee ballot shall nevertheless be counted if otherwise
 29 valid. The county election board shall:

30 (1) immediately seal the absentee ballot and the envelope in
 31 which the ballot was received in a carrier envelope indicating that
 32 a voted absentee ballot is enclosed; and

33 (2) document the date the absentee ballot was sealed within the
 34 carrier envelope, attested to by the signature of each member of
 35 the county election board.

36 SECTION 30. IC 3-12-5-7 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. Upon receipt of the
 38 certified statements from the circuit court clerks under section 6 of this
 39 chapter and not later than noon of the last Tuesday in November, the
 40 election division shall tabulate the number of votes cast for each
 41 candidate for:

42 (1) **presidential electors and alternate presidential electors;**



1 (2) a state office other than governor and lieutenant governor; and
2 (3) a local office for which a declaration of candidacy must be
3 filed with the election division under IC 3-8-2.
4 Immediately following the election division's tabulation, the secretary
5 of state shall certify to the governor the candidate receiving the highest
6 number of votes for each office.
7 SECTION 31. IC 3-12-11-19.5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19.5. As required under
9 3 U.S.C. 5, any recount or contest proceeding concerning the election
10 of presidential electors must be concluded not later than six (6) days
11 before the time fixed by federal law for the meeting of the **presidential**
12 electors.
13 SECTION 32. **An emergency is declared for this act.**

