



February 17, 2017

HOUSE BILL No. 1521

DIGEST OF HB 1521 (Updated February 16, 2017 7:59 am - DI 75)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; 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 if a candidate for president or vice president resigns or dies before the meeting of Indiana's electors,
(Continued next page)

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

Richardson

January 18, 2017, read first time and referred to Committee on Elections and Apportionment.
February 16, 2017, amended, reported — Do Pass.

HB 1521—LS 7436/DI 75



Digest Continued

the pledge of the electors refers to the successor candidate for that office nominated by the political party in accordance with the party's rules. 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). Repeals the existing statute providing for the residency confirmation and outreach procedure in even numbered years. 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.

HB 1521—LS 7436/DI 75



February 17, 2017

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:

HB 1521—LS 7436/DI 75



- 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 3-7-38.2-2, AS AMENDED BY P.L.169-2015,
 13 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2017]: Sec. 2. (a) A voter list maintenance program conducted
 15 under this chapter must:
 16 (1) be uniform, nondiscriminatory, and in compliance with the
 17 Voting Rights Act of 1965 (52 U.S.C. 10101);
 18 (2) not result in the removal of the name of a person from the
 19 official list of voters solely due to the person's failure to vote; and
 20 (3) be completed not later than ninety (90) days before a primary,
 21 general, or municipal election.
 22 (b) A county voter registration office may conduct a voter list
 23 maintenance program that complies with subsection (a). In conducting
 24 a voter list maintenance program, the county voter registration office
 25 shall mail a notice described in subsection (d) to each voter whose
 26 registration has not previously been canceled or designated as inactive
 27 under this chapter at the mailing address:
 28 (1) listed in the voter's registration record; and
 29 (2) determined by the county voter registration office not to be the
 30 voter's current residence address.
 31 (c) A county voter registration office may use information only from
 32 the following sources to make the determination under subsection
 33 (b)(2):
 34 (1) The United States Postal Service National Change of Address
 35 Service.
 36 (2) A court regarding jury duty notices returned because of an
 37 unknown or insufficient address.
 38 (3) The return of a mailing sent by the county voter registration
 39 office to all active voters (as defined in IC 3-11-18.1-2) in the
 40 county because of an unknown or insufficient address.
 41 (4) The bureau of motor vehicles concerning the surrender of a
 42 voter's Indiana license for the operation of a motor vehicle to



- 1 another jurisdiction.
- 2 (5) The return by the United States Postal Service after the
- 3 expiration of the seven (7) day pending period of a notice
- 4 regarding the disposition of a voter registration application under
- 5 IC 3-7-33-5 because of an unknown or insufficient address.
- 6 (6) The return of a mailing sent to voters of a precinct advising
- 7 voters of a change of precinct boundary or the precinct polling
- 8 place because of an unknown or insufficient address, if the county
- 9 sends a similar mailing to the voters of each precinct when a
- 10 boundary or polling place is changed.
- 11 (7) Information received from the election division under section
- 12 ~~16(b)~~ **16.1** of this chapter.
- 13 (d) The notice described in subsection (b) must:
- 14 (1) be sent by first class United States mail, postage prepaid, by
- 15 a method that requires the notice to be forwarded to the voter; and
- 16 (2) include a postage prepaid return card that:
- 17 (A) is addressed to the county voter registration office;
- 18 (B) states a date (which must be at least thirty (30) days after
- 19 the date the notice is mailed) by which the card must be
- 20 returned or the voter's registration will become inactive until
- 21 the information is provided to the county voter registration
- 22 office; and
- 23 (C) permits the voter to provide the voter's current residence
- 24 address.
- 25 (e) If a voter returns the card described in subsection (d)(2) and
- 26 provides a current residence address that establishes that the voter
- 27 resides:
- 28 (1) in the county, the county voter registration office shall update
- 29 the voter's registration record; or
- 30 (2) outside the county, the county voter registration office shall
- 31 cancel the voter's registration.
- 32 (f) If a card is returned as undeliverable due to an unknown or
- 33 insufficient address by the United States Postal Service after the date
- 34 specified in subsection (d)(2)(B), the county voter registration office
- 35 shall, when registration reopens after the next primary, general, or
- 36 municipal election, determine whether the voter voted or appeared to
- 37 vote from the address set forth in the registration record at any election
- 38 occurring after the final day for completing voter list maintenance
- 39 activities, and if not, then designate the voter as inactive.
- 40 (g) If a voter does not return the card described in subsection (d)(2)
- 41 by the date specified in subsection (d)(2)(B), the county voter
- 42 registration office shall indicate in the voter's registration record that



1 the voter's registration is inactive.

2 (h) A voter's registration that becomes inactive under subsection (f)
3 or (g) remains in inactive status from the date described in subsection
4 (d)(2)(B) until the earlier of the following:

5 (1) The date the county voter registration office updates or
6 cancels the voter's registration under subsection (e) after the voter
7 provides a current residence address.

8 (2) The day after the second general election in which the voter
9 has not voted or appeared to vote.

10 (i) After the date described in subsection (h)(2), the county voter
11 registration office shall remove the voter's registration from the voter
12 registration records.

13 SECTION 4. IC 3-7-38.2-16 IS REPEALED [EFFECTIVE JULY
14 1, 2017]. Sec. 16. (a) During each even-numbered year, the NVRA
15 official shall conduct a residency confirmation and outreach procedure
16 under this chapter. The NVRA official (or a contractor acting on behalf
17 of the NVRA official) shall send a nonforwardable mailing by U.S.
18 mail, postage prepaid, to each active voter (as defined in
19 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 even
21 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 SECTION 5. IC 3-7-38.2-16.1 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2017]: Sec. 16.1. (a) This section applies only
39 after December 31, 2018.

40 (b) During each odd-numbered year, the NVRA official shall
41 conduct a residency confirmation and outreach procedure under
42 this chapter. The NVRA official (or a contractor acting on behalf



1 of the NVRA official) shall send a nonforwardable mailing by U.S.
 2 mail, postage prepaid, to each active voter (as defined in
 3 IC 3-11-18.1-2) in Indiana at the voter's mailing address.

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

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

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

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

19 SECTION 6. IC 3-7-38.2-17, AS AMENDED BY P.L.64-2014,
 20 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2017]: Sec. 17. (a) If the mailing to a voter sent under section
 22 ~~46~~ 16.1 of this chapter is returned by the United States Postal Service
 23 because of an unknown or insufficient address, the NVRA official shall
 24 mail a second notice to the voter. The notice must meet the following
 25 requirements:

26 (1) Be sent by first class, United States mail, postage prepaid, by
 27 a method that requires the notice to be forwarded to the voter.

28 (2) Include a postage prepaid return card that:

29 (A) is addressed to the NVRA official;

30 (B) states a date (which must be at least thirty (30) days after
 31 the date the notice was mailed) by which the card must be
 32 returned or the voter's registration will become inactive until
 33 the information is provided to the county voter registration
 34 office; and

35 (C) permits the voter to provide the voter's current residence
 36 address.

37 (b) If a voter returns the card described in subsection (a)(2) and
 38 provides a current residence address that establishes that the voter
 39 resides:

40 (1) in the same county, the county voter registration office shall
 41 update the voter's registration record; or

42 (2) outside the county, the county voter registration office shall



1 cancel the voter's registration.

2 (c) If a voter returns the card described in subsection (a)(2) after the
3 final day for completing voter list maintenance activities under section
4 3 of this chapter, the county voter registration office shall, when the
5 registration reopens after the next primary, general, or municipal
6 election following the date specified in the notice, process any updates
7 or cancellation of the voter registration record indicated on the card by
8 the voter under subsection (b).

9 (d) If a voter returns the card described in subsection (a)(2) during
10 the period described in subsection (c) with a request that the voter's
11 registration record at an address be canceled, the county voter
12 registration office shall proceed to cancel the registration under section
13 3 of this chapter.

14 (e) If a card is returned not later than the date specified in
15 subsection (a)(2)(B) as undeliverable because of an unknown or
16 insufficient address, the county voter registration office shall designate
17 the voter as inactive.

18 (f) If a card is returned after the date specified in subsection
19 (a)(2)(B) as undeliverable because of an unknown or insufficient
20 address, the county voter registration office shall, when registration
21 reopens after the next primary, general, or municipal election,
22 determine whether the voter voted or appeared to vote from the address
23 set forth in the registration record at any election occurring after the
24 final day for completing voter list maintenance activities, and if not,
25 designate the voter as inactive.

26 (g) If a voter does not return the card described in subsection (a)(2)
27 by the date specified in subsection (a)(2)(B), the county voter
28 registration office shall indicate in the voter's registration record that
29 the voter's registration is inactive.

30 (h) A voter's registration that becomes inactive under subsections
31 (e) through (g) remains in inactive status from the date described in
32 subsection (a)(2)(B) until the earlier of the following:

33 (1) The date the county voter registration office updates or
34 cancels the voter's registration under subsection (b) after the voter
35 provides a current residence address.

36 (2) The day after the second general election in which the voter
37 has not voted or appeared to vote.

38 (i) After the day described in subsection (h)(2), the county voter
39 registration office shall remove the voter's registration from the voter
40 registration records not later than thirty (30) days after the second
41 general election following the date on which notices are mailed to a
42 voter under section ~~16~~ 16.1 of this chapter.



1 SECTION 7. IC 3-8-1-6 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) A candidate for the office of
 3 President or Vice President of the United States must have the
 4 qualifications provided in Article 2, Section 1, clause 4 of the
 5 Constitution of the United States.

6 (b) A candidate for the office of **presidential** elector ~~for President~~
 7 ~~and Vice President of the United States~~ **or alternate presidential**
 8 **elector** must have the qualifications provided in Article 2, Section 1,
 9 clause 2 of the Constitution of the United States and Section 3 of the
 10 Fourteenth Amendment to the Constitution of the United States.

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

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

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

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

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

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

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

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

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

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



1 **candidate for alternate presidential elector for each**
 2 **presidential elector.**

3 (7) The following statements:

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

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

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

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

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

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

24 (D) A statement that the candidate:

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

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

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

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

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

34 (A) been a candidate for state or local office in a previous
 35 primary or general election; and

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

38 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 39 candidate has filed a campaign finance statement of organization
 40 for the candidate's principal committee or is aware that the
 41 candidate may be required to file a campaign finance statement of
 42 organization not later than noon seven (7) days after the final date



1 to file the declaration of intent to be a write-in candidate under
2 section 4 of this chapter.

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

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

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

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

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

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

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

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

26 (f) A write-in candidate for the office of President or Vice President
27 of the United States must list ~~at least one~~ **(1) candidate for the**
28 **following:**

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

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

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

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

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

40 (h) A declaration of intent to be a write-in candidate must include
41 a statement that the candidate requests the name on the candidate's
42 voter registration record be the same as the name the candidate uses on



1 the declaration of intent to be a write-in candidate. If there is a
 2 difference between the name on the candidate's declaration of intent to
 3 be a write-in candidate and the name on the candidate's voter
 4 registration record, the officer with whom the declaration of intent to
 5 be a write-in candidate is filed shall forward the information to the
 6 voter registration officer of the appropriate county as required by
 7 IC 3-5-7-6(e). The voter registration officer of the appropriate county
 8 shall change the name on the candidate's voter registration record to be
 9 the same as the name on the candidate's declaration of intent to be a
 10 write-in candidate.

11 SECTION 9. IC 3-8-2.5-6, AS ADDED BY P.L.194-2013,
 12 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2017]: Sec. 6. (a) The circuit court clerk with whom the
 14 petition of nomination has been filed by a county voter registration
 15 office under section 5 of this chapter shall:

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

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

19 (A) If the petition includes a sufficient number of signatures,
 20 certify the petition.

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

23 (b) If the circuit court clerk with whom the petition was filed denies
 24 certification under subsection (a), the clerk shall notify the candidate
 25 immediately:

26 **(1) in person, if the candidate files the petition in person; or**

27 **(2) by certified mail.**

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

29 (1) the county voter registration office's failure to certify
 30 individual signers as qualified petitioners; or

31 (2) the determination by the clerk that the petition has an
 32 insufficient number of signatures;

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

35 SECTION 10. IC 3-8-4-2, AS AMENDED BY P.L.169-2015,
 36 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2017]: Sec. 2. (a) A political party shall conduct a state
 38 convention to nominate the candidates of the political party for the
 39 following offices to be voted on at the next general election:

40 (1) Lieutenant governor.

41 (2) Secretary of state.

42 (3) Auditor of state.



- 1 (4) Treasurer of state.
- 2 (5) Attorney general.
- 3 (6) Superintendent of public instruction.
- 4 (b) The convention may also:
 - 5 (1) nominate candidates for presidential electors and alternate
 - 6 **presidential** electors; and
 - 7 (2) elect the delegates and alternate delegates to the national
 - 8 convention of the political party.
- 9 (c) If a political party's state convention does not:
 - 10 (1) nominate candidates for presidential electors and alternate
 - 11 **presidential** electors; or
 - 12 (2) elect the delegates and alternate delegates to the national
 - 13 convention of the political party;
- 14 the candidates shall be nominated or the delegates elected as provided
- 15 in the state party's rules.
- 16 SECTION 11. IC 3-10-2-3, AS AMENDED BY P.L.216-2015,
- 17 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2017]: Sec. 3. **Presidential electors and alternate**
- 19 **presidential** electors for ~~President and Vice-President of the United~~
- 20 ~~States~~ shall be elected in ~~2016~~ **2020** and every four (4) years thereafter
- 21 at a general election held in accordance with 3 U.S.C. 1.
- 22 SECTION 12. IC 3-10-4-1, AS AMENDED BY P.L.1-2006,
- 23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2017]: Sec. 1. (a) The names of the candidates of:
 - 25 (1) a political party;
 - 26 (2) a group of petitioners under IC 3-8-6; or
 - 27 (3) a write-in candidate for the office of President or Vice
 - 28 President of the United States under IC 3-8-2-2.5;
- 29 for **presidential** electors of ~~President and Vice President of the United~~
- 30 ~~States and alternate presidential electors~~ may not be placed on the
- 31 ballot.
- 32 (b) The names of the nominees for President and Vice President of
- 33 the United States of each political party or group of petitioners shall be
- 34 placed:
 - 35 (1) in one (1) column on the ballot if paper ballots are used;
 - 36 (2) either:
 - 37 (A) grouped together on a separate screen; or
 - 38 (B) grouped together below the names of the offices as
 - 39 specified in IC 3-11-14-3.5;
 - 40 if an electronic voting system is used; or
 - 41 (3) grouped together below the names of the offices as specified
 - 42 in IC 3-11-13-11 if a ballot card is used.



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

4 SECTION 13. IC 3-10-4-1.5 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2017]: **Sec. 1.5. For each presidential elector position in Indiana:**

7 (1) a political party;

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

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

11 **must submit the names of two (2) qualified individuals. One (1) of**
12 **the individuals must be designated "presidential elector nominee"**
13 **and the other individual "alternate presidential elector nominee".**
14 **Except as otherwise provided in this chapter, Indiana's presidential**
15 **electors and alternate presidential electors whose ticket receives**
16 **the most votes at the general election in Indiana are the winning**
17 **presidential elector and alternate presidential elector nominees**
18 **under this title.**

19 SECTION 14. IC 3-10-4-1.7 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2017] **Sec. 1.7. (a) Each presidential elector nominee and each**
22 **alternate presidential elector nominee of a political party shall**
23 **execute the following pledge: "If selected for the office of**
24 **presidential elector, I agree to serve and to mark my ballots for**
25 **President and Vice President for the nominees for those offices of**
26 **the party that nominated me."**

27 (b) Each presidential elector nominee and each alternate
28 presidential elector nominee of a candidate not affiliated with a
29 political party shall execute the following pledge: "If selected for
30 the office of elector for a presidential candidate not affiliated with
31 a political party, I agree to serve and to mark my ballots for that
32 candidate and for that candidate's vice-presidential running
33 mate."

34 (c) The executed pledges must accompany the certification of
35 the names of the presidential electors and alternate presidential
36 electors.

37 (d) If a candidate for President or Vice President nominated by
38 a political party dies or withdraws as a candidate for that office in
39 accordance with the rules of the political party:

40 (1) after the candidate's nomination; and

41 (2) not later than the meeting of Indiana's presidential
42 electors and alternate electors under section 7 of this chapter;



1 **the pledge under subsection (a) refers to the successor candidate**
 2 **for that office nominated by the political party in accordance with**
 3 **the party's rules.**

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

12 SECTION 16. IC 3-10-4-4, AS AMENDED BY P.L.1-2010,
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2017]: Sec. 4. Each vote cast or registered:

15 (1) for the nominees for President and Vice President of the
 16 United States of:

17 (A) a political party; or

18 (B) a group of petitioners; or

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

21 is a vote cast or registered for all of the candidates for presidential
 22 electors **and alternate presidential electors** of the party, group, or
 23 write-in candidate and shall be so counted. These votes shall be
 24 counted, canvassed, and certified in the same manner as the votes for
 25 candidates for other offices.

26 SECTION 17. IC 3-10-4-5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) This subsection
 28 applies to a major political party and to a political party subject to
 29 IC 3-8-4-10. The state chairman of each political party shall certify to
 30 the election division the names of the nominees of the party for
 31 President and Vice President of the United States and the state of which
 32 each nominee is a resident.

33 (b) If candidates for presidential electors **and alternate**
 34 **presidential electors** are nominated by petitioners instead of by a
 35 convention of a major political party or a party subject to IC 3-8-4-10,
 36 the petitioners shall certify with the list of names of **the presidential**
 37 **electors the following:**

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

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

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



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

4 (1) all candidates for:

5 (A) presidential electors; and

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

7 (2) all nominees for President and Vice President of the United
 8 States;

9 shall be certified to the election division not later than noon on the
 10 second Tuesday in September before the general election. The election
 11 division shall certify to each county election board not later than noon
 12 on the next following Thursday in September before the general
 13 election the names of the nominees for President and Vice President of
 14 the United States certified to the election division under this
 15 subsection.

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

21 SECTION 18. IC 3-10-4-6.5 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2017]: **Sec. 6.5. In submitting Indiana's certificate of**
 24 **ascertainment as required by 3 U.S.C. 6, the governor shall certify**
 25 **Indiana's presidential electors and state in the certificate the**
 26 **following:**

27 (1) **That the presidential electors will serve as presidential**
 28 **electors unless a vacancy occurs in the office of presidential**
 29 **elector before the end of the meeting at which votes are cast,**
 30 **in which case an alternate presidential elector will fill the**
 31 **vacancy as a presidential elector.**

32 (2) **If an alternate presidential elector is appointed to fill a**
 33 **vacancy, the governor will submit an amended certificate of**
 34 **ascertainment stating the names on the final list of Indiana's**
 35 **presidential electors.**

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



- 1 ~~Vice-President~~ **Vice President** of the United States.
- 2 (b) The secretary of state, or an individual designated by the
- 3 secretary, shall preside at this meeting. The election division shall
- 4 assist the secretary in conducting the election and in certifying and
- 5 transmitting the results in accordance with federal law.
- 6 (c) As provided by 3 U.S.C. 6, the governor shall deliver to the
- 7 **presidential** electors present six (6) duplicate originals of the
- 8 certificate of ascertainment of appointment of the **presidential** electors
- 9 mailed to the Archivist of the United States.
- 10 SECTION 20. IC 3-10-4-8 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) **This section**
- 12 **applies** if a presidential elector:
- 13 (1) files the **presidential** elector's resignation with the governor
- 14 under IC 5-8-3.5;
- 15 (2) dies or is otherwise disqualified from holding office, and the
- 16 **presidential** elector's death or disqualification is certified to the
- 17 governor by the state chairman of the political party of the
- 18 **presidential** elector; ~~or~~
- 19 (3) fails to appear before 11 a.m. on the day prescribed by section
- 20 7 of this chapter; ~~or~~
- 21 (4) **vacates the presidential elector's office as described in**
- 22 **section 9(d) of this chapter.**
- 23 (b) **If the presidential elector's alternate presidential elector is**
- 24 **present to vote, the alternate presidential elector shall fill the**
- 25 **vacancy. If the alternate presidential elector is not present, the**
- 26 **presidential** electors present shall, by paper ballot and a majority vote
- 27 of all those present, immediately fill the vacancy upon proof of the
- 28 resignation or certification being provided to the **presidential** electors,
- 29 or at 11 a.m., whichever occurs first. **The presidential electors must**
- 30 **fill the vacancy as follows:**
- 31 (1) **If the alternate presidential elector for the vacant office is**
- 32 **not present to vote, by choosing a presidential elector from**
- 33 **among the alternate presidential electors present.**
- 34 (2) **If the number of alternate presidential electors present is**
- 35 **insufficient to fill any vacant position under subdivision (1),**
- 36 **by electing any immediately available individual who is**
- 37 **qualified to serve as a presidential elector.**
- 38 (c) **To qualify as an alternate presidential elector under**
- 39 **subsection (b), an individual who has not executed the pledge**
- 40 **required under section 1.7 of this chapter must execute the**
- 41 **following pledge: "I agree to serve and to mark my ballots for**
- 42 **President and Vice President consistent with the pledge of the**



1 **individual to whose presidential elector position I have**
 2 **succeeded."**

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

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

14 **(b) Each presidential elector shall mark the presidential**
 15 **elector's presidential and vice-presidential ballots with the**
 16 **presidential elector's votes for the offices of President and Vice**
 17 **President, respectively, along with the presidential elector's**
 18 **signature and the presidential elector's legibly printed name.**

19 **(c) Except as otherwise provided by Indiana law other than this**
 20 **chapter, each presidential elector shall present both completed**
 21 **ballots to the secretary of state, who shall examine the ballots and**
 22 **accept as cast all ballots of presidential electors whose votes are**
 23 **consistent with the presidential electors' pledges executed under**
 24 **section 1.7 or 8(c) of this chapter. Except as otherwise provided by**
 25 **Indiana law other than this chapter, the secretary of state may not**
 26 **accept and may not count either a presidential elector's**
 27 **presidential or vice-presidential ballot if the presidential elector**
 28 **has not marked both ballots or has marked a ballot in violation of**
 29 **the presidential elector's pledge.**

30 **(d) A presidential elector who refuses to present a ballot,**
 31 **presents an unmarked ballot, or presents a ballot marked in**
 32 **violation of the presidential elector's pledge executed under section**
 33 **1.7 or 8(c) of this chapter, vacates the office of presidential elector.**
 34 **The vacant presidential elector office shall be filled as provided in**
 35 **section 8 of this chapter.**

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

42 SECTION 22. IC 3-10-4-11 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2017]: **Sec. 11. (a) After the vote of Indiana's presidential
3 electors is completed, if the final list of presidential electors differs
4 from any list that the governor previously included on a certificate
5 of ascertainment prepared and transmitted under 3 U.S.C. 6, the
6 secretary of state immediately shall prepare an amended certificate
7 of ascertainment and transmit it to the governor for the governor's
8 signature.**

9 **(b) The governor immediately shall deliver the signed amended
10 certificate of ascertainment to the secretary of state and a signed
11 duplicate original of the amended certificate of ascertainment to all
12 individuals entitled to receive Indiana's certificate of
13 ascertainment, indicating that the amended certificate of
14 ascertainment is to be substituted for the previously submitted
15 certificate of ascertainment.**

16 **(c) The secretary of state shall prepare a certificate of vote. The
17 presidential electors listed on the final certificate of ascertainment
18 shall sign the certificate of vote. The secretary of state shall process
19 and transmit the signed certificate of vote with the amended
20 certificate of ascertainment under 3 U.S.C. 9, 3 U.S.C. 10, and 3
21 U.S.C. 11.**

22 SECTION 23. IC 3-10-7-2.9 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 2.9. (a) This section
24 does not apply to a town located wholly or partially within a county
25 having a consolidated city.**

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

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

32 **(1) The years in which town elections shall be held. A town
33 election may not be held in a year following a year in which an
34 election for **presidential** electors for **President of the United
35 States** is held.**

36 **(2) That the elections for town offices shall be held during general
37 elections or municipal elections, or both.**

38 **(3) Which town officers are to be elected in each of the years of
39 the town election cycle. The ordinance must provide that at least
40 two (2) town officers shall be elected in each year of the town
41 election cycle. The ordinance may provide for all town officers to
42 be elected at the same election.**



1 (4) The term of office of each town officer elected in the first
 2 election cycle after adoption of the ordinance. A term of office set
 3 under this subdivision may not exceed four (4) years.

4 (5) That the term of office of each town officer elected after the
 5 first election cycle after adoption of the ordinance is four (4)
 6 years.

7 (6) That the term of office of each town officer begins on January
 8 1 after the election.

9 (d) A town may repeal an ordinance adopted under subsection (b)
 10 subject to both of the following:

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

13 (2) The ordinance may be repealed only in a year preceding a
 14 municipal election held at the time described in IC 3-10-6-5.

15 SECTION 24. IC 3-10-10-2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. Notwithstanding
 17 other provisions in IC 3-7 concerning residency requirements for
 18 voting, special procedures apply for voting in presidential elections.
 19 The presidential voting procedures in this chapter apply only to a
 20 general election at which **presidential** electors ~~for President and Vice~~
 21 ~~President of the United States~~ are voted upon.

22 SECTION 25. IC 3-10-10-6 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. All affidavits, forms,
 24 and records of voter registration must be clearly marked to indicate
 25 that, in this general election, the voter may only vote for **presidential**
 26 electors. ~~for President and Vice President of the United States.~~

27 SECTION 26. IC 3-11-3-29.5, AS AMENDED BY P.L.258-2013,
 28 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2017]: Sec. 29.5. (a) This section applies to a general or
 30 special election in which the name of a candidate appears on the ballot.
 31 This section does not apply to an election for presidential electors. ~~in~~
 32 ~~which the name of a candidate for President of the United States or~~
 33 ~~Vice President of the United States appears on the ballot.~~

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

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

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

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



- 1 (B) votes unanimously by the entire membership that there is
 2 good cause to believe that the candidate has died.
- 3 (c) The election board shall provide the number of ballots necessary
 4 to reflect a vacancy to the following:
- 5 (1) The absentee voter board.
 6 (2) The inspector of each precinct in which the candidate is on the
 7 ballot.
 8 (3) The circuit court clerk.
- 9 (d) The election board may order the printing of new ballots that
 10 omit the name of a candidate described in subsection (b). A ballot
 11 printed under this subsection must contain the statement "NO
 12 CANDIDATE" or "CANDIDATE DECEASED" or words to that effect
 13 at the appropriate position on the ballot.
- 14 (e) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled
 15 after noon five (5) days before the election, the election board is not
 16 required to reprint ballots to remove the name of an individual who is
 17 no longer a candidate but may do so upon the vote of the election
 18 board.
- 19 SECTION 27. IC 3-11-7-4, AS AMENDED BY P.L.21-2016,
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2017]: Sec. 4. (a) Except as provided in subsection (b), a
 22 ballot card voting system must permit a voter to vote:
- 23 (1) except at a primary election, a straight party ticket for all of
 24 the candidates of one (1) political party by a single voting mark
 25 on each ballot card;
- 26 (2) for one (1) or more candidates of each political party or
 27 independent candidates, or for one (1) or more school board
 28 candidates nominated by petition;
- 29 (3) a split ticket for the candidates of different political parties
 30 and for independent candidates; or
 31 (4) a straight party ticket and then split that ticket by casting
 32 individual votes for candidates of another political party or
 33 independent candidate.
- 34 (b) A ballot card voting system must require that a voter who wishes
 35 to cast a ballot for a candidate for election to an at-large district on a:
- 36 (1) county council;
 37 (2) city common council;
 38 (3) town council; or
 39 (4) township board;
- 40 make a voting mark for each individual candidate for whom the voter
 41 wishes to cast a vote. The ballot card voting system may not count any
 42 straight party ticket voting mark as a vote for any candidate for an



- 1 office described by this subsection.
- 2 (c) A ballot card voting system must permit a voter to vote:
- 3 (1) for all candidates for presidential electors **and alternate**
- 4 **presidential electors** of a political party or an independent ticket
- 5 by making a single voting mark; and
- 6 (2) for or against a public question on which the voter may vote.
- 7 SECTION 28. IC 3-11-7.5-10, AS AMENDED BY P.L.21-2016,
- 8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2017]: Sec. 10. (a) Except as provided in subsection (b), an
- 10 electronic voting system must permit a voter to vote:
- 11 (1) except at a primary election, a straight party ticket for all the
- 12 candidates of one (1) political party by touching the device of that
- 13 party;
- 14 (2) for one (1) or more candidates of each political party or
- 15 independent candidates, or for one (1) or more school board
- 16 candidates nominated by petition;
- 17 (3) a split ticket for the candidates of different political parties
- 18 and for independent candidates; or
- 19 (4) a straight party ticket and then split that ticket by casting
- 20 individual votes for candidates of another political party or
- 21 independent candidates.
- 22 (b) An electronic voting system must require that a voter who
- 23 wishes to cast a ballot for a candidate for election to an at-large district
- 24 on a:
- 25 (1) county council;
- 26 (2) city common council;
- 27 (3) town council; or
- 28 (4) township board;
- 29 make a voting mark for each individual candidate for whom the voter
- 30 wishes to cast a vote. The electronic voting system may not count any
- 31 straight party ticket voting mark as a vote for any candidate for an
- 32 office described by this subsection.
- 33 (c) An electronic voting system must permit a voter to vote:
- 34 (1) for as many candidates for an office as the voter may vote for,
- 35 but no more;
- 36 (2) for or against a public question on which the voter may vote,
- 37 but no other; and
- 38 (3) for all the candidates for presidential electors **and alternate**
- 39 **presidential electors** of a political party or an independent ticket
- 40 by making a single voting mark.
- 41 SECTION 29. IC 3-11.5-5-14, AS AMENDED BY P.L.128-2015,
- 42 SECTION 199, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2017]: Sec. 14. (a) This section applies to the
 2 counting of federal write-in absentee ballots described in
 3 IC 3-11-4-12.5.

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

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

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

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

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

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

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

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

24 (1) the ballot was submitted:

25 (A) by an overseas voter who is not an absent uniformed
 26 services voter; and

27 (B) from within the United States;

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

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

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

38 (g) If a federal write-in absentee ballot is received by the county
 39 election board in an envelope that does not indicate that the envelope
 40 contains the ballot, and the envelope is opened by the county election
 41 board, the absentee ballot shall nevertheless be counted if otherwise
 42 valid. The county election board shall:



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

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

7 SECTION 30. IC 3-11.7-5-15 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. (a) This section
 9 applies to the counting of write-in provisional ballots.

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

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

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

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

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

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

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

33 (2) included a list of **presidential electors and alternate**
 34 **presidential electors** on the declaration for candidacy filed by a
 35 write-in candidate under IC 3-8-2-2.5;

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

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

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



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

3 (1) the ballot was submitted:

4 (A) by an overseas voter who is not an absent uniformed
5 services voter; and

6 (B) from within the United States;

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

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

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

16 (g) If a federal write-in absentee ballot is received by the county
17 election board in an envelope that does not indicate that the envelope
18 contains the ballot, and the envelope is opened by the county election
19 board, the absentee ballot shall nevertheless be counted if otherwise
20 valid. The county election board shall:

21 (1) immediately seal the absentee ballot and the envelope in
22 which the ballot was received in a carrier envelope indicating that
23 a voted absentee ballot is enclosed; and

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

27 SECTION 32. IC 3-12-5-7 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. Upon receipt of the
29 certified statements from the circuit court clerks under section 6 of this
30 chapter and not later than noon of the last Tuesday in November, the
31 election division shall tabulate the number of votes cast for each
32 candidate for:

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

34 (2) a state office other than governor and lieutenant governor; and

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

37 Immediately following the election division's tabulation, the secretary
38 of state shall certify to the governor the candidate receiving the highest
39 number of votes for each office.

40 SECTION 33. IC 3-12-11-19.5 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19.5. As required under
42 3 U.S.C. 5, any recount or contest proceeding concerning the election



1 of presidential electors must be concluded not later than six (6) days
2 before the time fixed by federal law for the meeting of the **presidential**
3 electors.

4 SECTION 34. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1521, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 12 through 36, begin a new paragraph and insert:

"SECTION 3. IC 3-7-38.2-2, AS AMENDED BY P.L.169-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (52 U.S.C. 10101);
- (2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each voter whose registration has not previously been canceled or designated as inactive under this chapter at the mailing address:

- (1) listed in the voter's registration record; and
- (2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

- (1) The United States Postal Service National Change of Address Service.
- (2) A court regarding jury duty notices returned because of an unknown or insufficient address.
- (3) The return of a mailing sent by the county voter registration office to all active voters (as defined in IC 3-11-18.1-2) in the county because of an unknown or insufficient address.
- (4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.
- (5) The return by the United States Postal Service after the expiration of the seven (7) day pending period of a notice



regarding the disposition of a voter registration application under IC 3-7-33-5 because of an unknown or insufficient address.

(6) The return of a mailing sent to voters of a precinct advising voters of a change of precinct boundary or the precinct polling place because of an unknown or insufficient address, if the county sends a similar mailing to the voters of each precinct when a boundary or polling place is changed.

(7) Information received from the election division under section ~~16(b)~~ **16.1** of this chapter.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date (which must be at least thirty (30) days after the date the notice is mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a card is returned as undeliverable due to an unknown or insufficient address by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, then designate the voter as inactive.

(g) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(h) A voter's registration that becomes inactive under subsection (f) or (g) remains in inactive status from the date described in subsection



(d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(i) After the date described in subsection (h)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 4. IC 3-7-38.2-16 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 16. (a) During each even-numbered year, the NVRA official shall conduct a residency confirmation and outreach procedure under this chapter. The NVRA official (or a contractor acting on behalf of the NVRA official) shall send a nonforwardable mailing by U.S. mail, postage prepaid, to each active voter (as defined in IC 3-11-18.1-2) in Indiana at the voter's mailing address.

(b) The NVRA official shall, not later than January 31 of each even numbered year, request information from the:

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

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

concerning the return of U.S. mail sent by the court for jury selection purposes. Not later than twenty-eight (28) days following the primary election conducted in that year, the state shall provide each county voter registration office with information concerning any registered voter who appears to no longer reside at the address set forth in the voter's registration record due to a mailing returned to the courts. Not later than forty-two (42) days following the primary election conducted in that year, the county voter registration office shall send an address confirmation notice to the voter described by this subsection at the voter's mailing address."

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 6. IC 3-7-38.2-17, AS AMENDED BY P.L.64-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 17. (a) If the mailing to a voter sent under section 16.1 of this chapter is returned by the United States Postal Service because of an unknown or insufficient address, the NVRA official shall mail a second notice to the voter. The notice must meet the following requirements:

(1) Be sent by first class, United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter.



(2) Include a postage prepaid return card that:

(A) is addressed to the NVRA official;

(B) states a date (which must be at least thirty (30) days after the date the notice was mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(b) If a voter returns the card described in subsection (a)(2) and provides a current residence address that establishes that the voter resides:

(1) in the same county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(c) If a voter returns the card described in subsection (a)(2) after the final day for completing voter list maintenance activities under section 3 of this chapter, the county voter registration office shall, when the registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any updates or cancellation of the voter registration record indicated on the card by the voter under subsection (b).

(d) If a voter returns the card described in subsection (a)(2) during the period described in subsection (c) with a request that the voter's registration record at an address be canceled, the county voter registration office shall proceed to cancel the registration under section 3 of this chapter.

(e) If a card is returned not later than the date specified in subsection (a)(2)(B) as undeliverable because of an unknown or insufficient address, the county voter registration office shall designate the voter as inactive.

(f) If a card is returned after the date specified in subsection (a)(2)(B) as undeliverable because of an unknown or insufficient address, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, designate the voter as inactive.

(g) If a voter does not return the card described in subsection (a)(2) by the date specified in subsection (a)(2)(B), the county voter



registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(h) A voter's registration that becomes inactive under subsections (e) through (g) remains in inactive status from the date described in subsection (a)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (b) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(i) After the day described in subsection (h)(2), the county voter registration office shall remove the voter's registration from the voter registration records not later than thirty (30) days after the second general election following the date on which notices are mailed to a voter under section ~~16~~ **16.1** of this chapter."

Page 8, line 34, after "presidential electors" insert "**whose ticket receives the most votes at the general election in Indiana**".

Page 9, between lines 12 and 13, begin a new paragraph and insert:

"(d) If a candidate for President or Vice President nominated by a political party dies or withdraws as a candidate for that office in accordance with the rules of the political party:

(1) after the candidate's nomination; and

(2) not later than the meeting of Indiana's presidential electors and alternate electors under section 7 of this chapter; the pledge under subsection (a) refers to the successor candidate for that office nominated by the political party in accordance with the party's rules."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1521 as introduced.)

SMITH M

Committee Vote: yeas 13, nays 0.

