

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 ENROLLED ACT No. 1521

AN ACT to amend the Indiana Code concerning elections.

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

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

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

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

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

- (1) A boarding house.
- (2) A lodging house.
- (3) A residential building.
- (4) An apartment.
- (5) Any other place within which persons are lodged.

HEA 1521 — Concur



(c) The:

- (1) proprietor or manager of a place of lodging; **or**
- (2) **association of co-owners;**

shall allow a poll taker for a political party or an independent candidate for a federal or a state office to enter a place of lodging or a condominium during reasonable hours to take a poll of residents.

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.

HEA 1521 — Concur



- (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** 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



cancel 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, AS AMENDED BY P.L.169-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [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.

SECTION 5. IC 3-7-38.2-16.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 16.1. (a) This section applies only after December 31, 2018.**

(b) During each odd-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.

SECTION 6. IC 3-7-38.2-17, AS AMENDED BY SEA 442-2017,



SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 17. (a) If the mailing to a voter sent under section ~~16~~ **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) 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.

(d) 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.

(e) If a card is returned by the United States Postal Service 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.

(f) 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.

(g) A voter's registration that becomes inactive under subsections (d) through (f) 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.

(h) After the day described in subsection (g)(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.

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

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

SECTION 8. IC 3-8-2-2.5, AS AMENDED BY SEA 442-2017, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

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

- (1) The candidate's name must be printed or typewritten as:
 - (A) the candidate wants the candidate's name to be certified; and
 - (B) the candidate's name is permitted to appear under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward, if



applicable, and city or town), county, and state.

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

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

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

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

(7) The following statements:

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

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

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

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

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

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

(D) A statement that the candidate:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HEA 1521 — Concur



following:

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

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

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

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

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

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

- (1) determine whether a sufficient number of signatures as required by section 2 of this chapter have been obtained; and
- (2) do one (1) of the following:
 - (A) If the petition includes a sufficient number of signatures, certify the petition.
 - (B) If the petition has an insufficient number of signatures, deny the certification.

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

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

HEA 1521 — Concur



- (c) A candidate may contest the denial of certification based on:
- (1) the county voter registration office's failure to certify individual signers as qualified petitioners; or
 - (2) the determination by the clerk that the petition has an insufficient number of signatures;

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

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

- (1) Lieutenant governor.
- (2) Secretary of state.
- (3) Auditor of state.
- (4) Treasurer of state.
- (5) Attorney general.
- (6) Superintendent of public instruction.

(b) The convention may also:

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

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

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

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

SECTION 11. IC 3-10-2-3, AS AMENDED BY SEA 442-2017, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. **Presidential electors and alternate presidential** electors for ~~President and Vice President of the United States~~ shall be elected in 2020 and every four (4) years thereafter at a general election held in accordance with 3 U.S.C. 1.

SECTION 12. IC 3-10-4-1, AS AMENDED BY P.L.1-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The names of the candidates of:

- (1) a political party;
- (2) a group of petitioners under IC 3-8-6; or
- (3) a write-in candidate for the office of President or Vice



President of the United States under IC 3-8-2-2.5; for **presidential** electors of President and Vice President of the United States and **alternate presidential electors** may not be placed on the ballot.

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

- (1) in one (1) column on the ballot if paper ballots are used;
- (2) either:
 - (A) grouped together on a separate screen; or
 - (B) grouped together below the names of the offices as specified in IC 3-11-14-3.5;
 if an electronic voting system is used; or
- (3) grouped together below the names of the offices as specified in IC 3-11-13-11 if a ballot card is used.

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

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

- (1) a political party;**
- (2) a group of petitioners under IC 3-8-6; or**
- (3) a write-in candidate for the office of President or Vice President of the United States under IC 3-8-2-2.5;**

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

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

(b) Each presidential elector nominee and each alternate



presidential elector nominee of a candidate not affiliated with a political party shall execute the following pledge: "If selected for the office of elector for a presidential candidate not affiliated with a political party, I agree to serve and to mark my ballots for that candidate and for that candidate's vice-presidential running mate."

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

(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.

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

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

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

(A) a political party; or

(B) a group of petitioners; or

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

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

SECTION 17. IC 3-10-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) This subsection



applies to a major political party and to a political party subject to IC 3-8-4-10. The state chairman of each political party shall certify to the election division the names of the nominees of the party for President and Vice President of the United States and the state of which each nominee is a resident.

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

- (1) The names of their nominees for President and Vice President of the United States.
- (2) The state of which each nominee is a resident. ~~and~~
- (3) The name of the political party of the nominees, or that the nominees are an independent ticket.

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

- (1) all candidates for:
 - (A) presidential electors; and
 - (B) **alternate presidential electors; and**
- (2) all nominees for President and Vice President of the United States;

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

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

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

- (1) **That the presidential electors will serve as presidential**



electors unless a vacancy occurs in the office of presidential elector before the end of the meeting at which votes are cast, in which case an alternate presidential elector will fill the vacancy as a presidential elector.

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

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

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

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

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

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

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

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

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

(b) If the presidential elector's alternate presidential elector is present to vote, the alternate presidential elector shall fill the vacancy. If the alternate presidential elector is not present, the presidential electors present shall, by paper ballot and a majority vote of all those present, immediately fill the vacancy upon proof of the



resignation or certification being provided to the **presidential** electors, or at 11 a.m., whichever occurs first. **The presidential electors must fill the vacancy as follows:**

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

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

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

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

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

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

(c) Except as otherwise provided by Indiana law other than this chapter, each presidential elector shall present both completed ballots to the secretary of state, who shall examine the ballots and accept as cast all ballots of presidential electors whose votes are consistent with the presidential electors' pledges executed under section 1.7 or 8(c) of this chapter. Except as otherwise provided by Indiana law other than this chapter, the secretary of state may not accept and may not count either a presidential elector's presidential or vice-presidential ballot if the presidential elector



has not marked both ballots or has marked a ballot in violation of the presidential elector's pledge.

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

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

SECTION 22. IC 3-10-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) After the vote of Indiana's presidential electors is completed, if the final list of presidential electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under 3 U.S.C. 6, the secretary of state immediately shall prepare an amended certificate of ascertainment and transmit it to the governor for the governor's signature.

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

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

SECTION 23. IC 3-10-7-2.9, AS AMENDED BY SEA 442-2017, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.9. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city.

(b) During the year preceding a municipal election conducted under section 2 of this chapter, a town may adopt an ordinance changing the



time municipal elections are held for the offices of the town legislative body members, clerk-treasurer, and judge.

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

- (1) The years in which town elections shall be held. A town election may not be held in a year following a year in which an election for **presidential** electors for ~~President of the United States~~ is held.
- (2) That the elections for town offices shall be held during general elections or municipal elections, or both.
- (3) Which town officers are to be elected in each of the years of the town election cycle. The ordinance must provide that at least two (2) town officers shall be elected in each year of the town election cycle. The ordinance may provide for all town officers to be elected at the same election.
- (4) The term of office of each town officer elected in the first election cycle after adoption of the ordinance. A term of office set under this subdivision may not exceed four (4) years.
- (5) That the term of office of each town officer elected after the first election cycle after adoption of the ordinance is four (4) years.
- (6) That the term of office of each town officer begins on January 1 after the election.

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

- (1) The ordinance may not be repealed earlier than twelve (12) years after the ordinance was adopted.
- (2) The ordinance may be repealed only in a year preceding a municipal election held at the time described in IC 3-10-6-5.

(e) An ordinance described in subsection (b) or an ordinance repealing an ordinance previously adopted under subsection (b) takes effect when the ordinance is filed with the circuit court clerk of the county in which the largest percentage of the population of the town is located.

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

SECTION 25. IC 3-10-10-6 IS AMENDED TO READ AS

HEA 1521 — Concur



FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. All affidavits, forms, and records of voter registration must be clearly marked to indicate that, in this general election, the voter may only vote for **presidential** electors. ~~for President and Vice President of the United States.~~

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

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

- (1) the candidate's party does not fill the vacancy under IC 3-13-1 or IC 3-13-2 not later than noon, five (5) days before the election; and
- (2) when a candidate has died, the election board:
 - (A) receives a certificate of death issued under IC 16-37-3 not later than noon the seventh day before the election; or
 - (B) votes unanimously by the entire membership that there is good cause to believe that the candidate has died.

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

- (1) The absentee voter board.
- (2) The inspector of each precinct in which the candidate is on the ballot.
- (3) The circuit court clerk.

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

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

SECTION 27. IC 3-11-4-3, AS AMENDED BY P.L.169-2015, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) Except as provided in **subsection (c) and** section 6 of this chapter, an application for an absentee ballot must be

HEA 1521 — Concur



received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) not earlier than the date the registration period resumes under IC 3-7-13-10 nor later than the following:

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

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

(A) completes the application in the office of the circuit court clerk under IC 3-11-10-26; or

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

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

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

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

(4) 11:59 p.m. on the eighth day before election day if the application is:

(A) a mailed application;

(B) transmitted by electronic mail;

(C) transmitted by fax; or

(D) hand delivered;

from other voters who request to vote by mail under IC 3-11-10-24.

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

(c) This subsection applies ~~whenever a special election is conducted during a year in which a general or municipal election is not scheduled:~~ **to the primary election held before the general election conducted in 2018 and every four (4) years thereafter.** An application for an absentee ballot for a ~~the primary being conducted in the following year~~ **election** may not be received by the circuit court clerk (or, in a county



subject to IC 3-6-5.2, the director of the board of elections and registration) earlier than the date the registration period resumes under ~~IC 3-7-13-10~~. **December 1 of the year before the primary election.**

SECTION 28. IC 3-11-4-6, AS AMENDED BY P.L.128-2015, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

(3) If:

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

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

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

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

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

SECTION 29. IC 3-11-7-4, AS AMENDED BY P.L.21-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

HEA 1521 — Concur



JULY 1, 2017]: Sec. 4. (a) Except as provided in subsection (b), a ballot card voting system must permit a voter to vote:

- (1) except at a primary election, a straight party ticket for all of the candidates of one (1) political party by a single voting mark on each ballot card;
- (2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;
- (3) a split ticket for the candidates of different political parties and for independent candidates; or
- (4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidate.

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

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

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

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

- (1) for all candidates for presidential electors **and alternate presidential electors** of a political party or an independent ticket by making a single voting mark; and
- (2) for or against a public question on which the voter may vote.

SECTION 30. IC 3-11-7.5-10, AS AMENDED BY P.L.21-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) Except as provided in subsection (b), an electronic voting system must permit a voter to vote:

- (1) except at a primary election, a straight party ticket for all the candidates of one (1) political party by touching the device of that party;
- (2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;
- (3) a split ticket for the candidates of different political parties and for independent candidates; or
- (4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or



independent candidates.

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

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

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

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

- (1) for as many candidates for an office as the voter may vote for, but no more;
- (2) for or against a public question on which the voter may vote, but no other; and
- (3) for all the candidates for presidential electors **and alternate presidential electors** of a political party or an independent ticket by making a single voting mark.

SECTION 31. IC 3-11-18.1-5, AS AMENDED BY P.L.64-2014, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) Except as provided in subsection (b), a plan must provide a vote center for use by voters residing within the county for use in a primary election, general election, special election, municipal primary, or municipal election conducted on or after the effective date of the county election board's order.

(b) A plan may provide that a vote center will not be used in a municipal election conducted in ~~2015~~ **2019** and every four (4) years thereafter for some or all of the towns:

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

SECTION 32. IC 3-11-18.1-6, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a) Except as provided in subsection (b)**, when the total number of active voters in the county equals at least twenty-five thousand (25,000), the following apply:

- (1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.
- (2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten



thousand (10,000) active voters.

(b) When a county conducts a special election described in IC 3-10-8-1 that is conducted in only part of a county and not on the same date as a primary, general, or municipal election held in the county, the following apply:

(1) The plan must provide for at least one (1) vote center.

(2) If the election district for the special election contains at least ten thousand (10,000) active voters, the following apply:

(A) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters in the election district.

(B) In addition to the vote centers required in clause (A), the plan must provide for a voter center for any fraction of ten thousand (10,000) active voters in the election district.

SECTION 33. IC 3-11.5-4-23, AS AMENDED BY SEA 442-2017, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 23. (a) Not later than noon fifty (50) days before election day, each county election board shall notify the county chairmen of the two (2) political parties that have appointed members on the county election board of the number of:

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

to be appointed under section 22 of this chapter.

(b) The county chairmen shall make written recommendations for the appointments to the county election board not later than forty-six (46) days before election day. The county election board shall make the appointments as recommended.

(c) If a county chairman fails to make any recommendations, then the county election board may appoint any voters of the county who comply with section 22 of this chapter.

(d) The county election board may permit an individual who is not a voter to serve as an absentee ballot counter or courier if the individual:

- (1) satisfies the requirements under IC 3-6-6-39; and**
- (2) is approved by the unanimous vote of the entire membership of the county election board.**

(e) An individual appointed to serve as an absentee ballot counter or courier under subsection (d), while serving as an absentee ballot counter or courier:

- (1) is not required to obtain an employment certificate under IC 20-33-3; and**



(2) is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 34. IC 3-11.5-5-14, AS AMENDED BY P.L.128-2015, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14. (a) This section applies to the counting of federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

- (1) certified a list of **presidential electors and alternate presidential electors** under IC 3-10-4-5; or
- (2) included a list of **presidential electors and alternate presidential electors** on the declaration of intent to be a write-in candidate filed by a write-in candidate under IC 3-8-2-2.5;

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

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

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

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

- (1) the ballot was submitted:
 - (A) by an overseas voter who is not an absent uniformed services voter; and
 - (B) from within the United States;
- (2) the overseas voter's application for a regular absentee ballot was received by the county election board after the applicable absentee ballot application deadline set forth in IC 3-11-4-3;
- (3) the voter's completed regular state absentee ballot was received by the county election board by the deadline for receiving absentee ballots under IC 3-11.5-4-7 or IC 3-12-1-17; or
- (4) the ballot subject to this section was not received by the county election board by the deadline for receiving absentee ballots under IC 3-11.5-4-7 or IC 3-12-1-17.

(g) If a federal write-in absentee ballot is received by the county



election board in an envelope that does not indicate that the envelope contains the ballot, and the envelope is opened by the county election board, the absentee ballot shall nevertheless be counted if otherwise valid. The county election board shall:

- (1) immediately seal the absentee ballot and the envelope in which the ballot was received in a carrier envelope indicating that a voted absentee ballot is enclosed; and
- (2) document the date the absentee ballot was sealed within the carrier envelope, attested to by the signature of each member of the county election board.

SECTION 35. IC 3-11.7-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. (a) This section applies to the counting of write-in provisional ballots.

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

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

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

SECTION 36. IC 3-12-2-7.5, AS AMENDED BY P.L.128-2015, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7.5. (a) This section applies to the counting of federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

- (1) certified a list of **presidential electors and alternate presidential electors** under IC 3-10-4-5; or
- (2) included a list of **presidential electors and alternate presidential electors** on the declaration for candidacy filed by a write-in candidate under IC 3-8-2-2.5;

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

(d) As required by 52 U.S.C. 20303(b), and except as provided in

HEA 1521 — Concur



this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

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

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

- (1) the ballot was submitted:
 - (A) by an overseas voter who is not an absent uniformed services voter; and
 - (B) from within the United States;
- (2) the overseas voter's application for a regular absentee ballot was received by the county election board after the applicable absentee ballot application deadline set forth in IC 3-11-4-3;
- (3) the voter's completed regular state absentee ballot was received by the county election board by the deadline for receiving absentee ballots under IC 3-11-10-11; or
- (4) the ballot subject to this section was not received by the county election board by the deadline for receiving absentee ballots under IC 3-11-10-11.

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

- (1) immediately seal the absentee ballot and the envelope in which the ballot was received in a carrier envelope indicating that a voted absentee ballot is enclosed; and
- (2) document the date the absentee ballot was sealed within the carrier envelope, attested to by the signature of each member of the county election board.

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

- (1) presidential electors **and alternate presidential electors;**
- (2) a state office other than governor and lieutenant governor; and
- (3) a local office for which a declaration of candidacy must be filed with the election division under IC 3-8-2.

Immediately following the election division's tabulation, the secretary of state shall certify to the governor the candidate receiving the highest

HEA 1521 — Concur



number of votes for each office.

SECTION 38. IC 3-12-11-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19.5. As required under 3 U.S.C. 5, any recount or contest proceeding concerning the election of presidential electors must be concluded not later than six (6) days before the time fixed by federal law for the meeting of the **presidential** electors.

SECTION 39. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1521 — Concur

