



January 21, 2022

SENATE BILL No. 328

DIGEST OF SB 328 (Updated January 19, 2022 10:20 am - DI 140)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13; IC 3-14; IC 5-4; IC 5-8; IC 20-46; IC 29-1; IC 35-52; IC 36-2; IC 36-6.

Synopsis: Elections. Provides that electronic signatures are sufficient for the reporting of campaign contributions and expenditures. Provides that the election division shall declare a form obsolete if it is incorporated into the statewide voter registration system. Makes changes to small towns becoming large towns after the 2020 federal decennial census with offices on the ballot for the next general election. Provides that an individual is considered to have resigned as an elected official of the unit when the person becomes a government employee of the unit. Provides that the secretary of state may provide registration information, upon written request, to law enforcement officials conducting an investigation. Makes changes to the county election officials instructional meeting, including duration, compensation and expenses. Repeals the law concerning the affidavit eligibility of a precinct election officer. Provides that the circuit court clerk shall: (1) not later than noon 70 days before each general, primary, or municipal election, file an affidavit under affirmation with the election division; and (2) file the affidavit electronically in the statewide voter registration system. Provides that the statewide voter registration system must contain a feature that identifies potential nonresidential addresses submitted on voter registration applications. Provides that the bureau of motor vehicles commission shall forward the voter registration part of the application and any declination to register to the
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Effective: Upon passage; December 1, 2021 (retroactive); January 1, 2022 (retroactive); July 1, 2022; January 1, 2023; July 1, 2023.

Ford Jon

January 11, 2022, read first time and referred to Committee on Elections.
January 20, 2022, reported favorably — Do Pass.

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election division for transmittal to the appropriate county voter registration office. Provides that a notice to an absentee voter to supply additional residence documentation does not need approval by forms management. Makes amendments to the procedure concerning the cancellation of duplicate registrations. Provides that if an election district is included entirely within one precinct, and does not include the entire precinct, the petition of nomination must be signed by at least five voters of the election district. Makes changes to an independent party and the filing of a device with the election commission. Provides that an officeholder is not entitled to salary until a statement of economic interest is filed. Requires a campaign finance report or statement to be filed electronically. Clarifies that the permitted methods for filing a campaign finance report with a county election board would apply to candidates for local office and their candidate's committees, regular party committees that are not required to file with the election division, and political action committees that are not required to file with the election division. Provides for a civil penalty for failure to file a campaign finance report or statement electronically. Provides that an office is not permitted to accept a report or statement by facsimile transmission. Provides that record retention under seal does not prevent counties from conducting post-election audits. Repeals the requirement that counties send state duplicate copies of election returns to the election division. Provides that a county executive is not required to establish precincts so that a precinct contains not more than 2,000 active voters or 2,300 active voters if the precinct is in a county designated as a vote center county. Extends the deadline to December 31 for a legislative body of a municipality to change the boundary of a district, except Marion County. Provides that in addition to precinct boundaries, the name of a precinct as included in the federal decennial census data becomes the official name of the precinct. Removes the fax requirements for an absent uniformed services voter or overseas voter. Provides that a voter with print disabilities who chooses to vote by electronic mail must have the voter's absentee ballot application submitted to the circuit court clerk no later than 11:59 p.m. 12 days before election day. Provides that all absentee ballots must be printed on security paper that incorporates features that can be used to authenticate the ballot. Provides that a voter must file residence documentation before 6:00 p.m. on election day. Provides that a county election board may send a signed form from a public test to the election division by electronic mail. Provides that an application fee for certification of a voting system is waived if the application is for a de minimis change. Provides that a county election board may scan a voted absentee ballot card using an optical scan ballot scanner not earlier than seven calendar days before election day if the optical scan ballot system permits the retraction of a previously scanned absentee ballot card. Clarifies procedure concerning the updating of electronic poll books and the counting of absentee ballots. Provides that the county election board shall notify the absentee ballot counters of the receipt of the absentee ballots to the absentee ballot counters for consideration. Updates the procedure concerning when an absentee ballot mismatch has occurred. Repeals the law that concerns providing certain notices to provisional voters. Provides that if there is a discrepancy between political party primary ballot choice between the federal write-in absentee ballot and the federal post card application, the federal post card application will supersede. Changes the term "risk-limiting audit" to "post-election audit". Changes the term "risk-limiting audit pilot county" to "post-election audit county". Provides that a post-election audit shall be completed not later than: (1) the final Friday in June following the primary; or (2) December 20 following the election. Exempts a member of a fiscal or legislative body from assuming certain duties during a vacancy. Provides that except for casting a replacement ballot under election law, a voter who votes
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Digest Continued

more than one ballot in the same election commits a Level 6 felony. Requires a magistrate to deposit a copy of the oath in the office of the clerk of the circuit court of the county in which the magistrate resides or serves. Requires the certification of a question on a referendum to occur not later than noon 74 days before a special election. Provides that a personal representative of a decedent who was a treasurer or candidate for office may disband the committee associated with the decedent's office or campaign. Makes technical corrections. Changes population parameters to reflect the population count determined under the 2020 decennial census.

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January 21, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 328

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 3-5-4-1.7, AS AMENDED BY P.L.257-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2022 (RETROACTIVE)]: Sec. 1.7. (a) Except as
4 otherwise expressly authorized or required under this title, a filing by
5 a person with a commission, the election division, an election board, or
6 a county voter registration office may not be made by fax or electronic
7 mail, **including a signature described in IC 26-2-8-106.**
8 (b) A petition of nomination filed with a county voter registration
9 office under IC 3-8-2, IC 3-8-2.5, IC 3-8-3, or IC 3-8-6 or a petition to
10 place a public question on the ballot, or any other petition filed that
11 requires the county voter registration office to certify the validity of
12 signatures, may not contain the electronic signature, **including a**
13 **signature described in IC 26-2-8-106**, digital signature, digitized
14 signature, or photocopied signature of a voter.
15 (c) **An electronic signature, digital signature, digitized signature,**

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1 **or photocopied signature of a candidate is sufficient for campaign**
 2 **finance and the reporting of campaign contributions and**
 3 **expenditures.**

4 SECTION 2. IC 3-5-4-8, AS AMENDED BY P.L.169-2015,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2022]: Sec. 8. (a) Except as provided in subsection (e), but
 7 notwithstanding any other statute, whenever the election division acts
 8 under IC 3-6-4.2-12 to approve a uniform election or registration form
 9 for use throughout Indiana or to approve a revision to an existing form,
 10 a person must use the most recent version of the form approved by the
 11 election division to comply with this title after the effective date of the
 12 election division's order approving the form.

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

17 (1) Each circuit court clerk, if the election division determines
 18 that the form is primarily used by a candidate, a county election
 19 board member, a county or town political party, or for absentee or
 20 provisional ballot purposes.

21 (2) Each county voter registration office, if the election division
 22 determines that the form is primarily used in voter registration.

23 (3) The state chairman of each major political party.

24 (4) The state chairman of any other political party who has filed
 25 a written request with the election division during the preceding
 26 twelve (12) months to be furnished with copies of forms.

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

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

33 (1) Delay the effective date of the approval of a form or revised
 34 form.

35 (2) Permit an earlier approved version of the form or an
 36 alternative form to be used before the effective date of the form.

37 (3) Provide for a retroactive effective date for the approval of the
 38 form.

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

41 (1) earlier version of the form complies with all other
 42 requirements imposed under federal law or this title; and



- 1 (2) election division determines that the existing stock of the form
2 should be exhausted to prevent waste and unnecessary expense.
- 3 (f) This subsection applies to a form that the election division
4 determines is used primarily by the election division. The election
5 division may provide that an order concerning a form described by this
6 subsection is effective immediately upon adoption, without any
7 requirement to distribute the form to other persons.
- 8 (g) A form approved by the commission under this section before
9 July 1, 2015, is considered to be approved by the election division
10 without any further action by the election division being required.
- 11 **(h) The election division shall declare a form obsolete under this**
12 **section if it is incorporated into the statewide voter registration**
13 **system.**
- 14 SECTION 3. IC 3-5-4-13 IS ADDED TO THE INDIANA CODE
15 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
16 **JANUARY 1, 2022 (RETROACTIVE)]: Sec. 13. (a) The following**
17 **statutes do not apply to a town after December 31, 2021, if the 2020**
18 **federal decennial census determined that the population of the**
19 **town is three thousand five hundred (3,500) or more:**
- 20 (1) IC 3-8-5.
21 (2) IC 3-10-7.
- 22 **(b) IC 3-10-6 applies to a town after December 31, 2021, if the**
23 **2020 federal decennial census determined that the population of**
24 **the town is three thousand five hundred (3,500) or more.**
- 25 SECTION 4. IC 3-5-9-5, AS ADDED BY P.L.135-2012, SECTION
26 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
27 2022]: Sec. 5. Except as provided in section 7 of this chapter, an
28 individual is considered to have resigned as:
- 29 (1) a government employee when the individual assumes an
30 elected office of the unit that employs the individual; **or**
- 31 **(2) an elected official of the unit when the person becomes a**
32 **government employee of the unit.**
- 33 SECTION 5. IC 3-6-3.7-7 IS ADDED TO THE INDIANA CODE
34 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
35 **1, 2022]: Sec. 7. The secretary of state may provide the registration**
36 **information described in IC 3-7-26.4-8, including an individual's**
37 **voting history, upon written request, to law enforcement officials**
38 **conducting an investigation.**
- 39 SECTION 6. IC 3-6-4.2-14, AS AMENDED BY P.L.141-2020,
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 DECEMBER 1, 2021 (RETROACTIVE)]: Sec. 14. (a) Each year in
42 which a general or municipal election is held, the election division



1 shall call a meeting of all the members of the county election boards,
 2 the boards of registration (subject to IC 3-7-12), and the boards of
 3 elections and registration (as defined in IC 3-5-2-5.3) to instruct them
 4 regarding all of the following:

5 (1) Their duties under this title and federal law (including HAVA
 6 and NVRA).

7 (2) Requirements and best practices concerning cybersecurity for
 8 the computerized list, voting systems, and electronic poll books.

9 (3) Physical security for all aspects of the election process,
 10 including voting systems, electronic poll books, absentee voting,
 11 and polling places.

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

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

17 (b) The election division may ~~but is not required to~~, call a meeting
 18 under this section:

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

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

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

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

33 (2) If the number of deputies or assistants:

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

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

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

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

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



1 The instructional meeting may not last for more than ~~two (2)~~ **three (3)**
2 days.

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

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

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

16 (3) Reimbursement for the payment of the instructional meeting
17 registration fee.

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

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

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

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

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

42 (3) Reimbursement of an official, a deputy, or an assistant in



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

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

9 (h) This subsection applies to a meeting conducted on or after
10 January 1, 2022. All payments of mileage and lodging shall be
11 made by the proper disbursing officer in the manner provided by
12 law on a duly verified claim or voucher to which shall be attached
13 the certificate of the election division showing the number of days
14 attended and the number of miles traveled. All payments shall be
15 made from the county general fund from any money not otherwise
16 appropriated and without any previous appropriation being made
17 therefor.

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

22 SECTION 7. IC 3-6-6-12 IS REPEALED [EFFECTIVE JULY 1,
23 2022]. Sec. 12: (a) A county election board shall remove a precinct
24 election officer and declare the office vacant if:

25 (1) at any time before or during an election the county election
26 board is notified by the affidavit of two (2) or more voters of the
27 precinct that the officer is not qualified; and

28 (2) the board determines that the statements made in the affidavit
29 concerning the disqualification of the precinct election officer are
30 true:

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

35 SECTION 8. IC 3-7-12-27, AS AMENDED BY P.L.169-2015,
36 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2022]: Sec. 27. (a) The circuit court clerk (or in a county with
38 a board of registration, the members of the board of registration) shall,
39 not later than noon ~~seventy-seven (77)~~ **seventy (70)** days before each
40 general, primary, or municipal election, file **electronically in the**
41 **statewide voter registration system** an affidavit under affirmation
42 with the election division, **as described in IC 3-7-38.2-2(a) and**



1 **IC 3-7-38.2-2(b).**

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

- 4 (1) conducted the voter list maintenance program under this
5 article; and
6 (2) canceled the registrations required under the voter list
7 maintenance program.

8 SECTION 9. IC 3-7-14-12, AS AMENDED BY P.L.128-2015,
9 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2022]: Sec. 12. (a) An applicant who completes a voter
11 registration application under section 4 of this chapter is not required
12 to submit the application to a county voter registration office.

13 (b) The bureau of motor vehicles commission shall forward the
14 voter registration part of the application **and any declination to**
15 **register under this section** to the election division for transmittal to
16 the appropriate county voter registration office on an expedited basis
17 in accordance with IC 3-7-26.3, IC 9-24-2.5, and 52 U.S.C.
18 20504(c)(2)(E).

19 SECTION 10. IC 3-7-33-4.5, AS AMENDED BY P.L.128-2015,
20 SECTION 114, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2022]: Sec. 4.5. (a) Except as provided in
22 subsection (b), this section applies to an individual who:

- 23 (1) submits an application to register to vote by mail under
24 IC 3-7-22; and
25 (2) has not previously voted in:
26 (A) a general election in Indiana (or a special election for
27 federal office in Indiana); or
28 (B) a general election (or a special election for federal office)
29 in the county where the individual has submitted an
30 application under this chapter if the application was received
31 by the county voter registration office after December 31,
32 2002, and before January 1, 2006.

33 (b) This section does not apply to an individual who complies with
34 the requirements in any of the following:

- 35 (1) The individual submits an application to register to vote by
36 mail under this chapter and includes with that mailing a copy of:
37 (A) a current and valid photo identification; or
38 (B) a current utility bill, bank statement, government check,
39 paycheck, or government document;
40 that shows the name and residence address of the voter stated on
41 the voter registration application.
42 (2) The individual submits an application to register to vote by



- 1 mail under this chapter that includes:
 2 (A) the individual's Indiana driver's license number; or
 3 (B) the last four (4) digits of the individual's Social Security
 4 number;
 5 and the county voter registration office or election division
 6 matches the information submitted by the applicant with an
 7 existing Indiana identification record bearing the same number,
 8 name, and date of birth set forth in the voter registration
 9 application.
 10 (3) The individual is an absent uniformed services voter or
 11 overseas voter.
 12 (4) The individual is entitled to vote other than in person under
 13 the federal Voting Accessibility for the Elderly and Handicapped
 14 Act (52 U.S.C. 20102(b)(2)(B)(ii)) due to a determination by the
 15 election division that a permanent or temporarily accessible
 16 polling place cannot be provided for the individual.
 17 (5) The individual is entitled to vote other than in person under
 18 any other federal law.
 19 (c) When a county voter registration office receives a voter
 20 registration application by mail, the office shall determine whether the
 21 applicant is subject to the requirements to provide additional
 22 documentation under this section and 52 U.S.C. 21083.
 23 (d) As required by 52 U.S.C. 21083, a county voter registration
 24 office shall administer the requirements of this section in a uniform and
 25 nondiscriminatory manner.
 26 (e) If the county voter registration office determines that the
 27 applicant:
 28 (1) is not required to submit additional documentation under this
 29 section; or
 30 (2) has provided the documentation required under this section;
 31 the county voter registration office shall process the application in
 32 accordance with section 5 of this chapter.
 33 (f) If the county voter registration office determines that the
 34 applicant is required to submit additional documentation under this
 35 section and 52 U.S.C. 21083, the office shall process the application
 36 under section 5 of this chapter and, if the applicant is otherwise eligible
 37 to vote, add the information concerning this documentation to the
 38 voter's computerized registration entry under IC 3-7-27-20.2. **A notice**
 39 **to an absentee voter to supply additional residence documentation**
 40 **does not need approval by forms management.**
 41 (g) The county voter registration office shall remove the notation
 42 described in subsection (f) after the voter votes in an election for a



1 federal office.

2 SECTION 11. IC 3-7-33-5.7 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2022]: **Sec. 5.7. Subject to IC 3-7-38.2-18, the statewide voter
5 registration system must contain a feature that identifies potential
6 nonresidential addresses submitted on voter registration
7 applications.**

8 SECTION 12. IC 3-7-38.2-5.5, AS AMENDED BY P.L.193-2021,
9 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 5.5. (a) The Indiana data enhancement
11 association (IDEA) is established. IDEA shall be administered by the
12 NVRA official in accordance with IC 3-7-11-1.

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

21 (1) The member states of IDEA are not required to pay to Indiana
22 any fee for the processing of the data from the member state.

23 (2) The member states of IDEA are not required to engage in any
24 activity other than actions necessary to comply with standards for
25 voter list maintenance set forth in the order as a condition for
26 obtaining data from Indiana or other member states.

27 (3) The method for a state to join or withdraw from IDEA.

28 (4) The tenure of the membership of each state and duration of the
29 order.

30 (5) Indiana shall:

31 (A) use the confidence factors set forth in subsection (c) to
32 determine whether the name of an individual registered in that
33 member state appears to be the same as an individual
34 registered to vote in Indiana or any other member state; and

35 (B) only forward potential matches of the names of individuals
36 in a state who meet or exceed the confidence factor threshold
37 under subsection (c).

38 (6) Any registration data provided to Indiana by another state
39 member:

40 (A) is confidential under Indiana law;

41 (B) must be safely secured by Indiana for the duration of a
42 particular instance of a voter list maintenance activity; and



- 1 (C) shall be destroyed immediately following the provision of
 2 data concerning potential duplicate voter registrations to IDEA
 3 member states.
- 4 (7) Any other provisions necessary for the proper and effective
 5 administration of IDEA.
- 6 (c) Not later than thirty (30) days following the receipt of
 7 information under subsection (b) indicating that a voter of Indiana may
 8 also be registered to vote in another state, the NVRA official shall
 9 provide the appropriate county voter registration office with the name
 10 of and any other information obtained under this subsection concerning
 11 that voter, if both of the following apply:
- 12 (1) The first name, last name, and date of birth of the Indiana
 13 voter is identical to the first name, last name, and date of birth of
 14 the voter registered in the other state.
- 15 (2) A comparison of the records indicates that there is a
 16 confidence factor that the records are for the same individual
 17 resulting from the accumulation of at least seventy-five (75)
 18 points based on the following criteria:
- 19 (A) Full Social Security number: 40 points.
 20 (B) Last four (4) digits of Social Security number: 10 points.
 21 (C) Indiana driver's license or identification card number: 50
 22 points.
 23 (D) Date of birth: 25 points.
 24 (E) Last Name: 15 points.
 25 (F) First Name: 15 points.
 26 (G) Middle Name: 5 points.
 27 (H) Suffix: 5 points.
 28 (I) Street Address 1: 10 points.
 29 (J) Zip Code (first five (5) digits): 5 points.
- 30 (d) The county voter registration office shall determine whether the
 31 individual:
- 32 (1) identified in the report provided by the NVRA official under
 33 subsection (c) is the same individual who is a registered voter of
 34 the county;
 35 (2) registered to vote in another state on a date following the date
 36 that voter registered in Indiana; and
 37 (3) authorized the cancellation of any previous registration by the
 38 voter when the voter registered in another state.
- 39 (e) If the county voter registration office determines that the voter
 40 is described by subsection (d), the county voter registration office shall
 41 cancel the voter registration of that voter. If the county voter
 42 registration office determines that the voter is described by subsection



1 (d)(1) and (d)(2), but has not authorized the cancellation of any
2 previous registration, the county voter registration office shall send an
3 address confirmation notice to the Indiana address of the voter.

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

8 ~~(1) If this Information: is~~
9 ~~(1) provided directly from the other state to the Indiana county~~
10 ~~voter registration official; the out-of-state voter registration~~
11 ~~official or~~

12 **(2) forwarded by the election division;**
13 must provide a copy of the voter's signed voter registration application
14 which indicates the individual authorizes cancellation of the
15 individual's previous registration.

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

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

28 SECTION 13. IC 3-8-1-21, AS AMENDED BY P.L.278-2019,
29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2022]: Sec. 21. A candidate for the office of county
31 commissioner must:

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

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

37 SECTION 14. IC 3-8-5-10.5, AS AMENDED BY P.L.109-2021,
38 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 10.5. (a) A person who desires to be
40 nominated for a town office by a major political party must file a
41 declaration of candidacy with the circuit court clerk of the county
42 containing the greatest percentage of population of the town.



- 1 (b) A declaration of candidacy must be filed:
 2 (1) not earlier than the first date that a declaration of candidacy
 3 for a primary election may be filed under IC 3-8-2-4; and
 4 (2) not later than:
 5 (A) noon August 1 before a municipal election if the town
 6 nominates its candidates by convention; and
 7 (B) the date that a declaration of candidacy must be filed under
 8 IC 3-8-2-4 if the town nominates its candidates by a primary
 9 election.
 10 (c) The declaration must be subscribed and sworn to (or affirmed)
 11 before a notary public or other person authorized to administer oaths.
 12 (d) The declaration of each candidate required by this section must
 13 certify the following information:
 14 (1) The candidate's name, printed or typewritten as:
 15 (A) the candidate wants the candidate's name to appear on the
 16 ballot; and
 17 (B) the candidate's name is permitted to appear on the ballot
 18 under IC 3-5-7.
 19 (2) That the candidate is a registered voter and the location of the
 20 candidate's precinct and township (or the ward, if applicable, and
 21 town), county, and state.
 22 (3) The candidate's complete residence address and the
 23 candidate's mailing address if the mailing address is different
 24 from the residence address.
 25 (4) The majority party candidate's party affiliation and the office
 26 to which the candidate seeks nomination, including the district
 27 designation if the candidate is seeking a town legislative body
 28 seat. For purposes of this subdivision, a candidate is considered
 29 to be affiliated with a political party only if one (1) of the
 30 following applies:
 31 (A) The **two** most recent primary ~~election~~ **elections** in Indiana
 32 in which the candidate voted ~~was a~~ **were** primary ~~election~~
 33 **elections** held by the party with which the candidate claims
 34 affiliation. If the candidate cast a nonpartisan ballot at an
 35 election held at the most recent primary election in which the
 36 candidate voted, a certification by the county chairman under
 37 clause (B) is required.
 38 (B) The county chairman of:
 39 (i) the political party with which the candidate claims
 40 affiliation; and
 41 (ii) the county in which the candidate resides;
 42 certifies in writing that the candidate is a member of the



- 1 political party.
- 2 The declaration of candidacy must inform a candidate how party
- 3 affiliation is determined under this subdivision and permit the
- 4 candidate to indicate on the declaration of candidacy whether
- 5 clause (A) or (B) applies to the candidate. If a candidate claims
- 6 party affiliation under clause (B), the candidate must attach to the
- 7 candidate's declaration of candidacy the written certification of
- 8 the county chairman required by clause (B).
- 9 (5) That the candidate complies with all requirements under the
- 10 laws of Indiana to be a candidate for the above named office,
- 11 including any applicable residency requirements, and is not
- 12 ineligible to be a candidate due to a criminal conviction that
- 13 would prohibit the candidate from serving in the office.
- 14 (6) That the candidate has attached either of the following to the
- 15 declaration:
- 16 (A) A copy of a statement of economic interests, file stamped
- 17 by the office required to receive the statement of economic
- 18 interests.
- 19 (B) A receipt or photocopy of a receipt showing that a
- 20 statement of economic interests has been filed.
- 21 (7) That the candidate understands that if the candidate is elected
- 22 to the office, the candidate may be required to obtain and file an
- 23 individual surety bond before serving in the office.
- 24 (8) That the candidate understands that if the candidate is elected
- 25 to the office, the candidate may be required to successfully
- 26 complete training or have attained certification related to service
- 27 in an elected office.
- 28 (9) That the candidate:
- 29 (A) is aware of the provisions of IC 3-9 regarding campaign
- 30 finance and the reporting of campaign contributions and
- 31 expenditures; and
- 32 (B) agrees to comply with the provisions of IC 3-9.
- 33 (10) A statement indicating whether or not the candidate:
- 34 (A) has been a candidate for state, legislative, local, or school
- 35 board office in a previous primary, municipal, special, or
- 36 general election; and
- 37 (B) has filed all reports required by IC 3-9-5-10 for all
- 38 previous candidacies.
- 39 (11) The candidate's signature.
- 40 (e) This subsection does not apply to a town whose municipal
- 41 election is to be conducted by a county. Immediately after the deadline
- 42 for filing, the circuit court clerk shall do all of the following:



- 1 (1) Certify to the town clerk-treasurer and release to the public a
 2 list of the candidates of each political party for each office. The
 3 list shall indicate any candidates of a political party nominated for
 4 an office under this chapter because of the failure of any other
 5 candidates of that political party to file a declaration of candidacy
 6 for that office.
- 7 (2) Post a copy of the list in a prominent place in the circuit court
 8 clerk's office.
- 9 (3) File a copy of each declaration of candidacy with the town
 10 clerk-treasurer.
- 11 (f) A person who files a declaration of candidacy for an elected
 12 office for which a per diem or salary is provided for by law is
 13 disqualified from filing a declaration of candidacy for another office for
 14 which a per diem or salary is provided for by law until the original
 15 declaration is withdrawn.
- 16 (g) A person who files a declaration of candidacy for an elected
 17 office may not file a declaration of candidacy for that office in the same
 18 year as a member of a different political party until the original
 19 declaration is withdrawn.
- 20 (h) A person who files a declaration of candidacy under this section
 21 may file a written notice withdrawing the person's declaration of
 22 candidacy in the same manner as the original declaration was filed, if
 23 the notice of withdrawal is filed not later than:
- 24 (1) noon August 1 before the municipal election if the town
 25 nominates its candidates by convention; and
- 26 (2) the date that a declaration of candidacy may be withdrawn
 27 under IC 3-8-2-20 if the town nominates its candidates in a
 28 primary election.
- 29 (i) A declaration of candidacy must include a statement that the
 30 candidate requests the name on the candidate's voter registration record
 31 be the same as the name the candidate uses on the declaration of
 32 candidacy. If there is a difference between the name on the candidate's
 33 declaration of candidacy and the name on the candidate's voter
 34 registration record, the officer with whom the declaration of candidacy
 35 is filed shall forward the information to the voter registration officer of
 36 the appropriate county as required by IC 3-5-7-6(e). The voter
 37 registration officer of the appropriate county shall change the name on
 38 the candidate's voter registration record to be the same as the name on
 39 the candidate's declaration of candidacy.
- 40 SECTION 15. IC 3-8-6-3 IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JANUARY 1, 2023]: Sec. 3. (a) A petition of nomination
 42 must be signed by the number of voters equal to two percent (2%) of



1 the total vote cast at the last election for secretary of state in the
2 election district that the candidate seeks to represent.

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

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

9 SECTION 16. IC 3-8-7-11, AS AMENDED BY P.L.225-2011,
10 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2022]: Sec. 11. (a) Except as provided in subsection (f), if a
12 political party has filed a statement with the election division (or any
13 of its predecessors) that the device selected by the political party be
14 used to designate the candidates of the political party on the ballot for
15 all elections throughout the state, the device must be used until:

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

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

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

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

28 (d) Not later than noon on the date specified under section 16 of this
29 chapter for the certification of candidates and public questions by the
30 election division, the election division shall provide each county
31 election board with a camera-ready copy of the device under which the
32 candidates of the political party or the petitioner are to be listed so that
33 ballots may be prepared using the best possible reproduction of the
34 device.

35 (e) This subsection applies to a ~~candidate~~ or political party whose
36 device is not filed with the election division under subsection (a) and
37 is to be printed only on ballots to identify candidates for election to a
38 local office. Not later than noon on the date specified under section 16
39 of this chapter for the certification of candidates and public questions
40 by the election division, the chairman of the political party or the
41 petitioner of nomination shall file a camera-ready copy of the device
42 under which the candidates of the political party or the petitioner are



1 to be listed with the county election board of each county in which the
 2 name of the candidate or party will be placed on the ballot. The county
 3 election board shall provide the camera-ready copy of the device to the
 4 town election board of a town located wholly or partially within the
 5 county upon request by the town election board.

6 (f) If a copy of the device is not filed in accordance with subsection
 7 (a) or (e), or unless a device is designated in accordance with section
 8 26 or 27 of this chapter, the county election board or town election
 9 board is not required to use any device to designate the list of
 10 candidates.

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

16 SECTION 17. IC 3-8-9-10 IS ADDED TO THE INDIANA CODE
 17 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 18 1, 2022]: **Sec. 10. An officeholder subject to this chapter is not**
 19 **entitled to salary until a statement of economic interest is filed**
 20 **under this chapter.**

21 SECTION 18. IC 3-9-4-4, AS AMENDED BY P.L.91-2019,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2022]: Sec. 4. (a) The election division shall develop a filing
 24 and coding system consistent with the purposes of this article. The
 25 election division and each county election board shall use the filing and
 26 coding system. The coding system must provide:

- 27 (1) not more than ten (10) codes to account for various campaign
 28 expenditure items; and
- 29 (2) a clear explanation of the kinds of expenditure items that must
 30 be accounted for under each code.

31 (b) The election division shall develop and use a computer system
 32 to store campaign finance reports required to be filed under IC 3-9-5-6,
 33 IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the
 34 election division to do the following:

- 35 (1) Identify all candidates or committees that received
 36 contributions from a contributor over the past three (3) years.
- 37 (2) Identify all contributors to a candidate or committee over the
 38 past three (3) years.
- 39 (3) Provide for electronic submission, retrieval, storage, and
 40 disclosure of campaign finance reports of candidates for the
 41 following:

- 42 (A) Legislative office.



- 1 (B) State office.
 2 The election division shall provide training at no cost to
 3 candidates to enable candidates described in this subdivision to
 4 file campaign finance reports electronically.
- 5 (c) The election division shall notify each candidate's committee
 6 that the election division will provide at the committee's request at no
 7 cost a standardized software program to permit the committee to install
 8 the software on a computer and generate an electronic version of the
 9 reports and statements required to be filed with the election division
 10 under this article. However, the election division is not required to
 11 provide or alter the software program to make the program compatible
 12 for installation or operation on a specific computer.
- 13 (d) This subsection applies to ~~the following committees:~~
 14 ~~(1) A committee for a candidate seeking election to a state office.~~
 15 ~~(2) A committee for a candidate seeking election to a legislative~~
 16 ~~office.~~
 17 ~~(3) A political action committee that has received more than fifty~~
 18 ~~thousand dollars (\$50,000) in contributions since the close of the~~
 19 ~~previous reporting period. **all committees required to file a**~~
 20 ~~**report or statement with the election division.**~~
- 21 The committee must file electronically the report or statement required
 22 under this article with the election division using a standardized
 23 software program supplied to the committee without charge under
 24 subsection (c) or another format approved by the election division. An
 25 electronic filing approved by the election division under this subsection
 26 may not require manual reentry into a computer system of the data
 27 contained in the report or statement in order to make the data available
 28 to the general public under subsection (g).
- 29 (e) This subsection applies to an electronic submission under
 30 subsection (b)(3). An electronic submission must be in a format
 31 previously approved by the election division that permits the election
 32 division to print out a hard copy of the report after the receipt of the
 33 electronic submission from the candidate. Filing of a report occurs
 34 under IC 3-5-2-24.5 on the date and at the time electronically recorded
 35 by the election division's computer system. If a discrepancy exists
 36 between the text of the electronic submission and the printed report, the
 37 text of the printed report prevails until an amendment is filed under this
 38 article to correct the discrepancy.
- 39 (f) The election division is not required to accept an electronic
 40 submission unless the submission complies with subsection (b)(3).
 41 Upon receiving approval from the commission, the election division
 42 may accept an electronic submission from candidates, committees, or



1 persons described in subsection (b)(3).

2 (g) The election division shall make campaign finance reports stored
3 on the computer system under subsection (b) available to the general
4 public through an on-line service.

5 SECTION 19. IC 3-9-4-16, AS AMENDED BY P.L.225-2011,
6 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2022]: Sec. 16. (a) In addition to any other penalty imposed,
8 a person who does any of the following is subject to a civil penalty
9 under this section:

10 (1) Fails to file with the election division a report in the manner
11 required under IC 3-9-5.

12 (2) Fails to file a statement of organization required under
13 IC 3-9-1.

14 (3) Is a committee or a member of a committee who disburses or
15 expends money or other property for any political purpose before
16 the money or other property has passed through the hands of the
17 treasurer of the committee.

18 (4) Makes a contribution other than to a committee subject to this
19 article or to a person authorized by law or a committee to receive
20 contributions on the committee's behalf.

21 (5) Is a corporation or labor organization that exceeds any of the
22 limitations on contributions prescribed by IC 3-9-2-4.

23 (6) Makes a contribution in the name of another person.

24 (7) Accepts a contribution made by one (1) person in the name of
25 another person.

26 (8) Is not the treasurer of a committee subject to this article, and
27 pays any expenses of an election or a caucus except as authorized
28 by this article.

29 (9) Commingles the funds of a committee with the personal funds
30 of an officer, a member, or an associate of the committee.

31 (10) Wrongfully uses campaign contributions in violation of
32 IC 3-9-3-4.

33 (11) Violates IC 3-9-2-12.

34 (12) Fails to designate a contribution as required by IC 3-9-2-5(c).

35 (13) Violates IC 3-9-3-5.

36 (14) Serves as a treasurer of a committee in violation of any of the
37 following:

38 (A) IC 3-9-1-13(1).

39 (B) IC 3-9-1-13(2).

40 (C) IC 3-9-1-18.

41 (15) Fails to comply with section 4(d) of this chapter.

42 (16) Violates IC 3-9-3-2.5 by making a communication that



1 contains a disclaimer that is not presented in a clear and
 2 conspicuous manner required by IC 3-9-3-2.5(d) and
 3 IC 3-9-3-2.5(e). This subdivision does not apply to a person
 4 whose sole act is, in the normal course of business, participating
 5 in the preparation, printing, distribution, or broadcast of the
 6 communication containing the disclaimer.

7 **(17) Fails to file campaign finance reports electronically in a**
 8 **manner required under section 4 of this chapter.**

9 (b) This subsection applies to a person who is subject to a civil
 10 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
 11 statement. If the commission determines that a person failed to file the
 12 amended report or statement of organization not later than noon five (5)
 13 days after being given notice under section 14 of this chapter, the
 14 commission may assess a civil penalty. The penalty is ten dollars (\$10)
 15 for each day the report is late after the expiration of the five (5) day
 16 period, not to exceed one hundred dollars (\$100) plus any investigative
 17 costs incurred and documented by the election division. The civil
 18 penalty limit under this subsection applies to each report separately.

19 (c) This subsection applies to a person who is subject to a civil
 20 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
 21 statement. If the commission determines that a person failed to file the
 22 report or statement of organization by the deadline prescribed under
 23 this article, the commission shall assess a civil penalty. The penalty is
 24 fifty dollars (\$50) for each day the report or statement is late, with the
 25 afternoon of the final date for filing the report or statement being
 26 calculated as the first day. The civil penalty under this subsection may
 27 not exceed one thousand dollars (\$1,000) plus any investigative costs
 28 incurred and documented by the election division. The civil penalty
 29 limit under this subsection applies to each report separately.

30 (d) This subsection applies to a person who is subject to a civil
 31 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
 32 (a)(10). If the commission determines that a person is subject to a civil
 33 penalty under subsection (a), the commission may assess a civil penalty
 34 of not more than one thousand dollars (\$1,000), plus any investigative
 35 costs incurred and documented by the election division.

36 (e) This subsection applies to a person who is subject to a civil
 37 penalty under subsection (a)(5). If the commission determines that a
 38 person is subject to a civil penalty under subsection (a)(5), the
 39 commission may assess a civil penalty of not more than three (3) times
 40 the amount of the contribution in excess of the limit prescribed by
 41 IC 3-9-2-4, plus any investigative costs incurred and documented by
 42 the election division.



1 (f) This subsection applies to a person who is subject to a civil
2 penalty under subsection (a)(11). If the commission determines that a
3 candidate or the candidate's committee has violated IC 3-9-2-12, the
4 commission shall assess a civil penalty equal to the greater of the
5 following, plus any investigative costs incurred and documented by the
6 election division:

7 (1) Two (2) times the amount of any contributions received.

8 (2) One thousand dollars (\$1,000).

9 (g) This subsection applies to a person who is subject to a civil
10 penalty under subsection (a)(12). If the commission determines that a
11 corporation or a labor organization has failed to designate a
12 contribution in violation of IC 3-9-2-5(c), the commission shall assess
13 a civil penalty equal to the greater of the following, plus any
14 investigative costs incurred and documented by the election division:

15 (1) Two (2) times the amount of the contributions undesignated.

16 (2) One thousand dollars (\$1,000).

17 (h) This subsection applies to a person who is subject to a civil
18 penalty under subsection (a)(13). If the commission determines, by
19 unanimous vote of the entire membership of the commission, that a
20 person has violated IC 3-9-3-5, the commission may assess a civil
21 penalty of not more than five hundred dollars (\$500), plus any
22 investigative costs incurred and documented by the election division.

23 (i) This subsection applies to a person who is subject to a civil
24 penalty under subsection (a)(14). If the commission determines, by
25 unanimous vote of the entire membership of the commission, that a
26 person has served as the treasurer of a committee in violation of any of
27 the statutes listed in subsection (a)(14), the commission may assess a
28 civil penalty of not more than five hundred dollars (\$500), plus any
29 investigative costs incurred and documented by the election division.

30 (j) This subsection applies to a person who is subject to a civil
31 penalty under subsection (a)(15). The commission may assess a civil
32 penalty equal to the costs incurred by the election division for the
33 manual entry of the data contained in the report or statement, plus any
34 investigative costs incurred and documented by the election division.

35 (k) This subsection applies to a person who is subject to a civil
36 penalty under subsection (a)(16). If the commission determines that a
37 person is subject to a civil penalty under subsection (a)(16), the
38 commission may assess a civil penalty of not more than one thousand
39 dollars (\$1,000) for each communication circulated or published (but
40 not for each of the copies of the communication actually circulated or
41 published), plus any investigative costs incurred and documented by
42 the election division.



1 **(l) This subsection applies to a person who is subject to a civil**
 2 **penalty under subsection (a)(17). If the commission determines that**
 3 **a person failed to file the report electronically in a manner**
 4 **required under section 4 of this chapter, the commission shall**
 5 **assess a civil penalty. The penalty is one hundred dollars (\$100) for**
 6 **each report that has not been filed electronically in a manner**
 7 **required under section 4 of this chapter, plus any investigative**
 8 **costs incurred and documented by the election division. The civil**
 9 **penalty limit under this subsection applies to each report**
 10 **separately.**

11 **(⊕) (m) All civil penalties collected under this section shall be**
 12 **deposited with the treasurer of state in the campaign finance**
 13 **enforcement account.**

14 ~~(m)~~ **(n) Proceedings of the commission under this section are**
 15 **subject to IC 4-21.5.**

16 SECTION 20. IC 3-9-5-7 IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JANUARY 1, 2023]: Sec. 7. (a) **This subsection applies**
 18 **to a committee required to file with a county election board under**
 19 **section 4 of this chapter.** A person may deliver reports to the
 20 appropriate office as follows:

21 (1) By hand.

22 (2) By mail.

23 (3) By electronic mail, if the appropriate office has the capacity
 24 to do all of the following:

25 (A) Receive electronic mail.

26 (B) Electronically record the date and time that electronic mail
 27 is received by the office.

28 (C) Print out a hard copy of the report after the receipt of the
 29 electronic mail by the office.

30 (b) Reports must be filed as follows:

31 (1) Hand delivered reports or reports transmitted by mail must be
 32 filed with ~~the appropriate office~~ **a county election board** during
 33 regular office hours not later than noon seven (7) days after the
 34 date of the report.

35 (2) Reports delivered by electronic mail must be filed with ~~the~~
 36 ~~appropriate office~~ **a county election board** not later than noon
 37 seven (7) days after the date of the report.

38 **(3) Reports electronically filed with the election division in**
 39 **accordance with IC 3-9-4-4 or with a county election board**
 40 **under IC 3-9-4-4.5 must be filed not later than noon seven (7)**
 41 **days after the date of the report.**

42 (c) This subsection applies to a report delivered **to a county**



1 **election board** by electronic mail. Filing of a report occurs under
 2 IC 3-5-2-24.5 on the date and at the time electronically recorded by the
 3 office's computer system. If a discrepancy exists between the text of the
 4 electronic mail and the printed report, the text of the printed report
 5 prevails until an amendment is filed under this article to correct the
 6 discrepancy.

7 (d) An office is not ~~required~~ **permitted** to accept a report or
 8 statement required under this article by facsimile transmission. ~~Upon~~
 9 ~~approval of a policy by the commission or a county election board to~~
 10 ~~receive reports or statements by facsimile transmission; the election~~
 11 ~~division or the county election board may accept the facsimile~~
 12 ~~transmission of a report or statement.~~

13 SECTION 21. IC 3-9-5-22, AS AMENDED BY P.L.169-2015,
 14 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2022]: Sec. 22. (a) This section applies only to a large
 16 contribution that is received **and accepted** by a candidate for a state
 17 office, the candidate's committee, or the treasurer of the candidate's
 18 committee.

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

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

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

- 27 (1) Contributions:
 28 (A) that total at least one thousand dollars (\$1,000); and
 29 (B) that are received **and accepted**:
 30 (i) after the end of a reporting period and before the deadline
 31 for the candidate's committee to file a report under section
 32 6 of this chapter; and
 33 (ii) not less than forty-eight (48) hours before an election.
 34 (2) A single contribution that is at least ten thousand dollars
 35 (\$10,000) that is received **and accepted** at any time.

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

- 39 (1) forty-eight (48) hours after a contribution described by
 40 subsection (c)(1) is received **and accepted**; or
 41 (2) noon seven (7) days after a contribution described by
 42 subsection (c)(2) is received **and accepted**.



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

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

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

16 SECTION 22. IC 3-10-1-31.1, AS AMENDED BY P.L.193-2021,
 17 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 31.1. (a) The inspector of each precinct shall
 19 deliver the bags required by section 30(a) and 30(c) of this chapter in
 20 good condition, together with poll lists, tally sheets, and other forms,
 21 to the circuit court clerk when making returns.

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

- 38 (1) IC 3-12-6-19 or IC 3-12-11-16; or
 39 (2) 52 U.S.C. 10301;

40 requires the continued preservation of the ballots or other material.

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

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1 (d) Upon delivery of the poll lists, the county voter registration
2 office shall unseal the envelopes containing the poll lists, inspect the
3 poll lists, and update the registration records of the county. The county
4 voter registration office shall use the poll lists and information on
5 affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to
6 update the registration record to include the voter's voter identification
7 number if the voter's voter identification number is not already
8 included in the registration record. Upon completion of the inspection,
9 the poll list and affidavits shall be preserved with the ballots and other
10 materials in the manner prescribed by subsection (b) for the period
11 prescribed by subsections (b) and (c).

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

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

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

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

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

41 (i) This subsection applies to a detachable recording unit or
42 compartment used to record a ballot cast on a direct record electronic



1 voting system. After the time allowed to file a verified petition or
 2 cross-petition for a recount of votes or to contest the election, the
 3 circuit court clerk shall transfer the data contained in the unit or
 4 compartment to a disc or other recording medium. After transferring
 5 the data, the clerk may clear or erase the unit or compartment. The
 6 circuit court clerk shall carefully preserve the disc or medium used to
 7 record the data for twenty-two (22) months, as required by 52 U.S.C.
 8 20701, after which time the disc or medium may be erased or
 9 destroyed, subject to IC 5-15-6, unless an order requiring the continued
 10 preservation of the disc or medium is issued under the following:

11 (1) IC 3-12-6-19.

12 (2) IC 3-12-11-16.

13 (3) 52 U.S.C. 10301.

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

23 (1) IC 3-12-6-19.

24 (2) IC 3-12-11-16.

25 (3) 52 U.S.C. 10301.

26 **(k) This section does not prohibit county election officials from**
 27 **performing post-election audits.**

28 SECTION 23. IC 3-10-1-33 IS REPEALED [EFFECTIVE JULY 1,
 29 2022]. ~~Sec. 33: (a) The county election board shall also make an~~
 30 ~~additional duplicate showing the votes cast for each candidate required~~
 31 ~~to file a declaration of candidacy with the election division under~~
 32 ~~IC 3-8-2.~~

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

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

41 SECTION 24. IC 3-11-1.5-3, AS AMENDED BY P.L.169-2015,
 42 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 UPON PASSAGE]: Sec. 3. (a) Except as provided in:
 2 (1) subsection (b);
 3 (2) subsection (c);
 4 (3) section 3.2 of this chapter; or
 5 (4) section 3.5 of this chapter;
 6 a county executive shall establish precincts so that a precinct contains
 7 not more than two thousand (2,000) active voters.
 8 (b) This subsection applies to a precinct that includes:
 9 (1) an entire township, but does not cross a township boundary in
 10 violation of section 4 of this chapter;
 11 (2) an entire city legislative body district, but does not cross the
 12 boundary of a city legislative body district;
 13 (3) an entire town legislative body district, but does not cross the
 14 boundary of a town legislative body district; or
 15 (4) one (1) residential structure containing more than two
 16 thousand (2,000) active voters and no other residential structure
 17 containing voters.
 18 In changing precincts or establishing new precincts, a county executive
 19 shall arrange a precinct so that it will contain not more than two
 20 thousand three hundred (2,300) active voters.
 21 (c) A county executive is not required to establish precincts so that
 22 a precinct contains not more than two thousand (2,000) active voters
 23 if the precinct:
 24 (1) was established by the county executive in compliance with
 25 subsection (a) within the preceding forty-eight (48) months; and
 26 (2) contains not more than two thousand two hundred (2,200)
 27 active voters.
 28 **(d) A county executive is not required to establish precincts so**
 29 **that a precinct contains not more than two thousand (2,000) active**
 30 **voters or two thousand three hundred (2,300) active voters if the**
 31 **precinct is in a county designated as a vote center county.**
 32 SECTION 25. IC 3-11-1.5-32 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 32. The legislative
 34 body of a municipality may not change the boundary of a district
 35 established under:
 36 (1) IC 36-3-4-3;
 37 (2) IC 36-4-6-3;
 38 (3) IC 36-4-6-4;
 39 (4) IC 36-4-6-5;
 40 (5) IC 36-5-1-10.1;
 41 (6) IC 36-5-2-4.1; or
 42 (7) IC 36-5-2-4.2;



1 after ~~November 8~~ **December 31** of the year preceding the year in which
 2 a municipal election is to be held and before the day following the date
 3 on which the municipal election is held except to assign territory to a
 4 municipal legislative body district in an annexation ordinance. **This**
 5 **section does not include a county having a consolidated city.**

6 SECTION 26. IC 3-11-1.5-38.1, AS ADDED BY P.L.108-2021,
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2022 (RETROACTIVE)]: Sec. 38.1. (a) This section
 9 applies to the boundaries of a precinct as established before January 1,
 10 2021.

11 (b) As used in this chapter, "federal decennial census" has the
 12 meaning set forth in IC 1-1-3.5-2(a).

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

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

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

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

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

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

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

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



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

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

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

11 (h) This subsection applies to an order to establish precinct
12 boundaries approved under this chapter before January 1, 2021. Not
13 later than January 1, 2022, the county executive shall do the following:

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

16 (A) The 2021 Indiana congressional district plan.

17 (B) The 2021 senate district plan.

18 (C) The 2021 house district plan.

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

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

26 (j) ~~This section expires December 31, 2024.~~ **In addition to precinct**
27 **boundaries, the name of a precinct as included in the federal**
28 **decennial census data becomes the official name of the precinct.**

29 SECTION 27. IC 3-11-4-3, AS AMENDED BY P.L.109-2021,
30 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c) and
32 section 6 of this chapter, an application for an absentee ballot must be
33 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2
34 or IC 3-6-5.6, the director of the board of elections and registration) not
35 earlier than the date the registration period resumes under IC 3-7-13-10
36 nor later than the following:

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

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

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

42 (B) is an absent uniformed services voter or overseas voter



- 1 who requests that the ballot be transmitted by electronic mail
 2 ~~or fax~~ under section 6(h) of this chapter.
- 3 (3) Noon on the day before election day if:
 4 (A) the application is a mailed, transmitted by electronic mail,
 5 ~~or fax~~; or hand delivered application from a confined voter or
 6 voter caring for a confined person; and
 7 (B) the applicant requests that the absentee ballots be
 8 delivered to the applicant by an absentee voter board under
 9 IC 3-11-10-25.
- 10 (4) 11:59 p.m. twelve (12) days before election day if the
 11 application is:
 12 (A) a mailed application;
 13 (B) transmitted by electronic mail;
 14 ~~(C) transmitted by fax~~; or
 15 ~~(D) (C)~~ hand delivered;
 16 from other voters who request to vote by mail under
 17 IC 3-11-10-24 **or for a voter with print disabilities to vote by**
 18 **electronic mail under section 6(h) of this chapter.**
- 19 (b) An application for an absentee ballot received by the election
 20 division by the time and date specified by subsection (a)(2)(B), (a)(3),
 21 or (a)(4) is considered to have been timely received for purposes of
 22 processing by the county. The election division shall immediately
 23 transmit the application to the circuit court clerk, or the director of the
 24 board of elections and registration, of the county where the applicant
 25 resides. The election division is not required to complete or file the
 26 affidavit required under section 2(h) of this chapter whenever the
 27 election division transmits an application under this subsection.
- 28 (c) An application for an absentee ballot for the election may not be
 29 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2
 30 or IC 3-6-5.6, the director of the board of elections and registration)
 31 earlier than December 1 of the year before the election.
- 32 SECTION 28. IC 3-11-4-5.7, AS AMENDED BY P.L.170-2019,
 33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2022]: Sec. 5.7. (a) As used in this section, "MOVE" refers to
 35 the Military and Overseas Voter Empowerment Act (P.L. 111-84,
 36 Division A, Title V, Subtitle H (Section 575 et seq.)).
- 37 (b) As used in this section, "voter" refers only to either of the
 38 following:
 39 (1) An absent uniformed services voter.
 40 (2) An overseas voter.
- 41 (c) Except as expressly provided by law, the state delegates its
 42 responsibilities to carry out the requirements of MOVE to each county



1 election board or board of elections and registration.

2 (d) To implement 52 U.S.C. 20302, electronic mail ~~fax~~, and web
3 publication are designated as means of communication for a voter to
4 request a voter registration application and an absentee ballot
5 application from the election division, a county election board, or a
6 county voter registration office.

7 (e) An office described in subsection (d) that receives an electronic
8 mail ~~or fax~~ from a voter shall provide an absentee ballot application or
9 a voter registration application by electronic mail ~~or fax~~ to the voter if:

10 (1) requested by the voter; and

11 (2) the voter provides an electronic mail address ~~or a fax number~~
12 that permits the office to send an application not later than the end
13 of the first business day after the office receives the
14 communication from the voter.

15 If the electronic mail address ~~or the fax number~~ provided by the voter
16 does not permit the office to send the voter an application not later than
17 the end of the first business day after the office receives the
18 communication, the office shall send the application to the voter by
19 United States mail.

20 (f) As required by 52 U.S.C. 20302, to the extent practicable and
21 permitted under Indiana law (including IC 3-7 and IC 5-14-3), an office
22 described in subsection (d) shall ensure that the procedures used to
23 transmit an absentee ballot application or a voter registration
24 application to an absent uniformed services voter or overseas voter
25 protect the security and integrity of the application request processes,
26 and that the privacy of the identity and other personal data of the voter
27 who requests or is sent an application under subsection (e) is protected
28 throughout the process of making the request or being sent the
29 application.

30 (g) As required under 52 U.S.C. 20302, an office described in
31 subsection (d) shall include information regarding the use of electronic
32 mail ~~fax~~, and web publication with all informational and instructional
33 materials that are sent with an absentee ballot application or an
34 absentee ballot to an absent uniformed services voter or overseas voter.

35 (h) To implement Section 580 of MOVE, and in accordance with
36 IC 3-7-26.3-3, the secretary of state, with the approval of the election
37 division, shall develop a free access system that permits an absent
38 uniformed services voter or overseas voter to determine whether the
39 voter's absentee ballot has been received by the appropriate county
40 election board (or board of elections and registration), regardless of the
41 manner in which the absentee ballot was transmitted by the voter to the
42 board. To the extent permitted by IC 3-7 and IC 5-14-3, the system



1 must contain reasonable procedures to protect the security,
 2 confidentiality, and integrity of personal information collected, stored,
 3 or otherwise used on the system.

4 SECTION 29. IC 3-11-4-6, AS AMENDED BY P.L.109-2021,
 5 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2022]: Sec. 6. (a) This section applies, notwithstanding any
 7 other provision of this title, to absentee ballot applications for the
 8 following:

9 (1) An absent uniformed services voter.

10 (2) An address confidentiality program participant (as defined in
 11 IC 5-26.5-1-6).

12 (3) An overseas voter.

13 (4) A voter with print disabilities.

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

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

22 (1) A combined absentee registration form and absentee ballot
 23 request approved under 52 U.S.C. 20301(b)(2).

24 (2) A form prescribed under IC 3-5-4-8 that identifies the
 25 applicant as an absent uniformed services voter, an overseas
 26 voter, or a voter with print disabilities. A form prescribed under
 27 this subdivision must permit the applicant to designate whether
 28 the applicant wishes to receive the absentee ballot by electronic
 29 mail ~~fax~~; or United States mail.

30 (d) If the county election board receives an absentee ballot
 31 application from a person described by subsection (c), the circuit court
 32 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
 33 3406, all ballots for the election immediately upon receipt of the ballots
 34 under section 15 of this chapter, unless the person has indicated under
 35 subsection (c) that the person wishes to receive the absentee ballot by
 36 electronic mail. ~~or fax~~.

37 (e) Whenever a voter files an application for an absentee ballot and
 38 indicates on the application that the voter is an absent uniformed
 39 services voter, an overseas voter, or a voter with print disabilities, the
 40 application is an adequate application for an absentee ballot for an
 41 election conducted during the period that ends on December 31
 42 following the date the application is filed, unless an absentee ballot



1 mailed to the voter at the address set forth in the application is returned
 2 to the county election board during that period as undeliverable. The
 3 circuit court clerk and county election board shall process this
 4 application and send general election absentee ballots to the voter in
 5 the same manner as other general election and special election absentee
 6 ballot applications and ballots are processed and sent under this
 7 chapter. If a voter entitled to receive an absentee ballot under this
 8 subsection subsequently files a voter registration application for a
 9 change of address within the same county or for a change of name or
 10 other information set forth in the voter's registration record, the
 11 previously approved absentee ballot application remains effective for
 12 the same period, unless the acknowledgment notice sent to the voter at
 13 that address is returned by the United States Postal Service due to an
 14 unknown or insufficient address in accordance with IC 3-7-33-5. If a
 15 voter entitled to receive an absentee ballot under this subsection
 16 subsequently files a voter registration application for an address that is
 17 not located in the same county, the voter must file a new absentee
 18 ballot application under this section with the appropriate county
 19 election board.

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

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

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

41 (h) The county election board shall by ~~fax or~~ electronic mail
 42 transmit an absentee ballot to and receive an absentee ballot from an



1 absent uniformed services voter, an overseas voter, or a voter with print
 2 disabilities by electronic mail ~~or fax~~ at the request of the voter
 3 indicated in the application filed under this section. If the voter wants
 4 to submit absentee ballots by ~~fax or~~ electronic mail, the voter must
 5 separately sign and date a statement submitted with the electronic mail
 6 ~~or the fax transmission~~ that states substantively the following: "I
 7 understand that by ~~faxing or~~ e-mailing my voted ballot I am voluntarily
 8 waiving my right to a secret ballot."

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

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

15 ~~(2) (1) If the voter provides an electronic mail address to which~~
 16 ~~a confirmation may be sent, the county election board shall send~~
 17 ~~the confirmation to the voter at the electronic mail address~~
 18 ~~provided by the voter.~~

19 ~~(3) (2) If:~~

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

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

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

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

31 (j) Upon approval of the voter's absentee ballot application, a county
 32 election board shall transmit an absentee ballot to an absent uniformed
 33 services voter or an overseas voter by electronic mail under a program
 34 authorized and administered by the Federal Voting Assistance Program
 35 of the United States Department of Defense or directly to the voter at
 36 the voter's electronic mail address, if requested to do so by the voter. A
 37 voter described by this section may transmit the voted absentee ballot
 38 to a county election board by electronic mail. If a voter described in
 39 this section transmits the voted absentee ballot through the United
 40 States Department of Defense program, the ballot must be transmitted
 41 in accordance with the procedures established under that program. An
 42 electronic mail message transmitting a voted absentee ballot under this



1 subsection must include a digital image of the voter's signature on the
2 statement required under subsection (h).

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

5 SECTION 30. IC 3-11-4-14, AS AMENDED BY P.L.66-2010,
6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2022]: Sec. 14. (a) All absentee ballots other than those
8 specified in section 12.5 of this chapter shall be:

9 (1) prepared and printed under the direction of each county
10 election board; **and**

11 (2) **printed on security paper that incorporates features which**
12 **can be used to authenticate the ballot as an official ballot but**
13 **which do not make the ballot identifiable to a particular**
14 **elector.**

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

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

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

26 SECTION 31. IC 3-11-4-18, AS AMENDED BY P.L.100-2018,
27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]: Sec. 18. (a) If a voter satisfies any of the
29 qualifications described in IC 3-11-10-24 that entitle a voter to cast an
30 absentee ballot by mail, the county election board shall, at the request
31 of the voter, mail the official ballot, postage fully prepaid, to the voter
32 at the address stated in the application. Each ballot may be assigned a
33 unique tracking number as prescribed by the election division using
34 IMb Tracing or a similar automated tracking method to provide
35 real-time tracking information for the envelope containing the ballot.
36 As used in this subsection, "IMb Tracing" refers to a real-time mail
37 tracking service offered through the United States Postal Service.

38 (b) If the county election board mails an absentee ballot to a voter
39 required to file additional documentation with the county voter
40 registration office before voting by absentee ballot under this chapter,
41 the board shall include a notice to the voter in the envelope mailed to
42 the voter under section 20 of this chapter. The notice must inform the



1 voter that the voter must file the additional documentation required
 2 under IC 3-7-33-4.5 with the county voter registration office ~~not later~~
 3 ~~than noon on election day for the absentee ballot to be counted as an~~
 4 ~~absentee ballot, and that, if the documentation required under~~
 5 ~~IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the~~
 6 ~~ballot will be processed as a provisional ballot. The election division~~
 7 ~~shall prescribe the form of this notice under IC 3-5-4-8.~~

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

10 (1) on the day of the receipt of the voter's application; or

11 (2) not more than five (5) days after the date of delivery of the
 12 ballots under section 15 of this chapter;

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

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

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

27 (1) information concerning the effect of casting multiple votes for
 28 an office; and

29 (2) instructions on how to correct the ballot before the ballot is
 30 cast and counted, including the issuance of replacement ballots.

31 SECTION 32. IC 3-11-8-25.2, AS AMENDED BY P.L.193-2021,
 32 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 25.2. (a) The poll clerk or assistant poll clerk
 34 shall examine the list provided under IC 3-7-29-1 to determine if the
 35 county election board has indicated that the voter is required to provide
 36 additional personal identification under 52 U.S.C. 21083 and
 37 IC 3-7-33-4.5 before voting in person. If the list indicates that the voter
 38 is required to present this identification before voting in person, the
 39 poll clerk shall advise the voter that the voter must present, in addition
 40 to the proof of identification required by section 25.1(a) of this chapter,
 41 a piece of identification described in subsection (b) to the poll clerk.

42 (b) As required by 52 U.S.C. 21083, and in addition to the proof of



1 identification required by section 25.1(a) of this chapter, a voter
 2 described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5
 3 before appearing at the polls on election day must present one (1) of the
 4 following documents to the poll clerk:

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

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

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

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

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

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

30 SECTION 33. IC 3-11-10-26, AS AMENDED BY P.L.193-2021,
 31 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 26. (a) This subsection applies to all counties,
 33 except for a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an
 34 alternative to voting by mail, a voter is entitled to cast an absentee
 35 ballot before an absentee voter board at any of the following:

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

40 (b) This subsection applies to a county to which IC 3-6-5.2 or
 41 IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is
 42 entitled to cast an absentee ballot before an absentee voter board at any



- 1 of the following:
- 2 (1) The office of the board of elections and registration.
- 3 (2) A satellite office established under section 26.3 of this
- 4 chapter.
- 5 (c) Except for a location designated under subsection (a)(1), a
- 6 location of the office of the circuit court clerk must be established as
- 7 a satellite office under section 26.3 of this chapter in order to be used
- 8 as a location at which a voter is entitled to cast an absentee ballot
- 9 before an absentee voter board under this section.
- 10 (d) The voter must do the following before being permitted to vote:
- 11 (1) This subdivision does not apply to a county that uses
- 12 electronic poll books for voting under this section. Sign an
- 13 application on the form prescribed by the election division under
- 14 IC 3-11-4-5.1. The application must be received by the circuit
- 15 court clerk not later than the time prescribed by IC 3-11-4-3.
- 16 (2) This subdivision applies only to a county that uses electronic
- 17 poll books for voting under this section and in which the ballot is
- 18 cast on an electronic voting system. The voter must do the
- 19 following:
- 20 (A) If the county election board has prescribed an affidavit
- 21 under subsection (e) that includes a unique identifier to
- 22 comply with section 26.2(c)(3) of this chapter, make and
- 23 subscribe to the affidavit.
- 24 (B) Sign the electronic poll book.
- 25 (C) Provide proof of identification.
- 26 (3) This subdivision applies only to a county that uses electronic
- 27 poll books for voting under this section and in which the ballot is
- 28 cast on an optical scan voting system. The voter must do the
- 29 following:
- 30 (A) Sign the electronic poll book.
- 31 (B) Provide proof of identification.
- 32 (C) Sign the affidavit prescribed by section 29 of this chapter.
- 33 (e) The county election board may:
- 34 (1) prescribe an affidavit that includes a unique identifier; or
- 35 (2) establish a procedure to produce a document, label, or
- 36 electronic record that is associated with each voter and includes
- 37 a unique identifier;
- 38 to comply with section 26.2(c)(3) of this chapter. After the county
- 39 election board approves an affidavit or procedure described in this
- 40 subsection and before the affidavit or procedure is used in an election,
- 41 the county election board shall file a copy of the affidavit or a brief
- 42 description of the procedure with the election division to assist the state



1 recount commission in conducting proceedings under IC 3-12-11.

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

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

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

26 (1) use the office of the circuit court clerk designated in
27 subsection (a)(1); or

28 (2) establish a satellite office under section 26.3 of this chapter;
29 to permit voters to cast absentee ballots under this section for at least
30 four (4) hours on the third Saturday preceding election day.

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

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

39 (1) permitted to verify in a private and independent manner the
40 votes selected by the voter before the ballot is cast and counted;

41 (2) provided with the opportunity to change the ballot or correct
42 any error in a private and independent manner before the ballot is



1 cast and counted, including the opportunity to receive a
 2 replacement ballot if the voter is otherwise unable to change or
 3 correct the ballot; and
 4 (3) notified before the ballot is cast regarding the effect of casting
 5 multiple votes for the office and provided an opportunity to
 6 correct the ballot before the ballot is cast and counted.
 7 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is
 8 provided under this section, the board must also provide the voter with:
 9 (1) information concerning the effect of casting multiple votes for
 10 an office; and
 11 (2) instructions on how to correct the ballot before the ballot is
 12 cast and counted, including the issuance of replacement ballots.
 13 (l) If:
 14 (1) the voter is unable or declines to present the proof of
 15 identification; or
 16 (2) a member of the board determines that the proof of
 17 identification provided by the voter does not qualify as proof of
 18 identification under IC 3-5-2-40.5;
 19 the voter shall be permitted to cast a provisional ballot.
 20 (m) This subsection applies to a voter who casts an absentee ballot
 21 that is treated as a provisional ballot under subsection (l). The board
 22 shall provide the voter, both orally and in writing, an explanation of
 23 what actions, if any, the voter must take in order to have the voter's
 24 ballot counted. The election division shall prescribe the form of the
 25 explanation required by this subsection. ~~The circuit court clerk shall~~
 26 ~~also provide the notice required by IC 3-11-7-6-4 to the voter.~~
 27 (n) A voter casting an absentee ballot under this section is entitled
 28 to cast the voter's ballot in accordance with IC 3-11-9.
 29 (o) In a primary election, a voter casting an absentee ballot under
 30 this chapter may not change the voter's choice of the voter's political
 31 party after the voter has been mailed or otherwise provided with a
 32 primary ballot containing the candidates of that party.
 33 SECTION 34. IC 3-11-11-10 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 10. If an election is a
 35 general or municipal election and a voter desires to vote for all the
 36 candidates of one (1) political party or group of petitioners, the voter
 37 may make a voting mark on or in a large circle enclosing the device
 38 and before the name under which the candidates of the party ~~or group~~
 39 ~~of petitioners~~ are printed. The voter's vote shall then be counted for all
 40 the candidates under that party name. ~~or for the two (2) candidates~~
 41 ~~comprising an independent ticket.~~
 42 SECTION 35. IC 3-11-13-22, AS AMENDED BY P.L.135-2020,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2022]: Sec. 22. (a) This section applies to:

- 3 (1) a ballot card voting system; and
4 (2) a voting system that includes features of a ballot card voting
5 system and a direct record electronic voting system.

6 (b) Not later than seventy-four (74) days before election day, for
7 each county planning to use automatic tabulating machines at the next
8 election, VSTOP shall provide each county election board with a
9 randomly sorted list of unique identification numbers for the inventory
10 of machines in the county maintained under IC 3-11-16-4. Starting at
11 the top of the list, the county election board shall select machines in the
12 list in the order listed so that:

- 13 (1) if a machine to be selected in the list is not scheduled to be
14 used in the upcoming election, the selection process will move to
15 the next machine in the order listed;
16 (2) each selected machine is scheduled to be used in the
17 upcoming election; and
18 (3) the number of machines selected is not less than five percent
19 (5%) of the machines in the county scheduled by the county
20 election board to be used in the upcoming election.

21 (c) The county election board shall test the machines as described
22 in subsection (b) to ascertain that the machines will correctly count the
23 votes cast for straight party tickets, for all candidates (including
24 write-in candidates), and on all public questions. If an individual
25 attending the public test requests that additional automatic tabulating
26 machines be tested, then the county election board shall select and test
27 additional machines from the list in the manner described in subsection
28 (b).

29 (d) If VSTOP does not provide the lists under subsection (b) not
30 later than sixty (60) days before the election, the county election board
31 shall establish and implement a procedure for random selection of not
32 less than five percent (5%) of the machines in the county to be used in
33 the upcoming election. The county election board shall then test the
34 machines selected as described in subsection (c).

35 (e) Not later than seven (7) days after conducting the test under
36 subsection (c), the county election board shall certify to the election
37 division that the test has been conducted in conformity with subsection
38 (c). The testing under subsection (c) must begin before absentee voting
39 begins in the office of the circuit court clerk under IC 3-11-10-26.

40 (f) Public notice of the time and place shall be given at least
41 forty-eight (48) hours before the test. The notice shall be published
42 once in accordance with IC 5-3-1-4.



1 (g) If a county election board determines that:

2 (1) a ballot:

3 (A) must be reprinted or corrected as provided by
4 IC 3-11-2-16 because of the omission of a candidate, political
5 party, or public question from the ballot; or

6 (B) is an absentee ballot that a voter is entitled to recast under
7 IC 3-11.5-4-2 because the absentee ballot includes a candidate
8 for election to office who:

9 (i) ceased to be a candidate; and

10 (ii) has been succeeded by a candidate selected under
11 IC 3-13-1 or IC 3-13-2; and

12 (2) ballots used in the test conducted under this section were not
13 reprinted or corrected to remove the omission of a candidate,
14 political party, or public question, or indicate the name of the
15 successor candidate;

16 the county election board shall conduct an additional public test
17 described in subsection (c) using the reprinted or corrected ballots.
18 Notice of the time and place of the additional test shall be given in
19 accordance with IC 5-14-1.5, but publication of the notice in
20 accordance with IC 5-3-1-4 is not required.

21 **(h) Notwithstanding IC 3-5-4-1.7, a county election board may**
22 **send a signed form from a public test to the election division by**
23 **electronic mail.**

24 SECTION 36. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2022]: Sec. 31.7. (a) This section is enacted to comply with
27 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
28 standards to define what constitutes a vote on an optical scan voting
29 system.

30 (b) After receiving ballot cards, a voter shall, without leaving the
31 room, go alone into one (1) of the booths or compartments that is
32 unoccupied and indicate:

33 (1) the candidates for whom the voter desires to vote by marking
34 the connectable arrows, circles, ovals, or squares immediately
35 beside:

36 (A) the candidates' names; or

37 (B) the numbers referring to the candidates; and

38 (2) the voter's preference on each public question by marking the
39 connectable arrow, oval, or square beside:

40 (A) the word "yes" or "no" under the question; or

41 (B) the number referring to the word "yes" or "no" on the
42 ballot.



1 (c) If an election is a general or municipal election and a voter
 2 desires to vote for all the candidates of one (1) political party, ~~or~~
 3 ~~independent ticket (described in IC 3-11-2-6)~~, the voter may mark:

4 (1) the circle enclosing the device; or

5 (2) the connectable arrow, circle, oval, or square described in
 6 section 11 of this chapter;

7 that designates the candidates of that political party. ~~or independent~~
 8 ~~ticket (described in IC 3-11-2-6)~~. Except as provided by
 9 IC 3-11-7-4(b), the voter's vote shall then be counted for all the
 10 candidates of that political party. ~~or included in the independent ticket~~
 11 ~~(described in IC 3-11-2-6)~~. However, if the voter marks the circle,
 12 arrow, oval, or square of an independent ticket (described in
 13 IC 3-11-2-6), the vote shall not be counted for any other independent
 14 candidate on the ballot.

15 (d) This subsection applies to a voter casting a ballot on a voting
 16 system that includes features of both an optical scan ballot card voting
 17 system and a direct record electronic voting system. After entering into
 18 a booth used with the voting system, the voter shall indicate the
 19 candidates for whom the voter desires to vote and the voter's preference
 20 on each public question by:

21 (1) inserting a paper ballot or an optical scan ballot into the voting
 22 system; or

23 (2) using headphones to listen to a recorded list of political
 24 parties, candidates, and public questions.

25 (e) A voter using a voting system described in subsection (d) may
 26 indicate the voter's selections by:

27 (1) touching a device on or in the squares immediately adjacent
 28 to the name of a political party, candidate, or response to a public
 29 question; or

30 (2) indicating the voter's choices by using a sip puff device that
 31 enables the voter to indicate a choice by inhaling or exhaling.

32 SECTION 37. IC 3-11-14.5-11 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2022]: **Sec. 11. Notwithstanding IC 3-5-4-1.7,**
 35 **a county election board may send by electronic mail a signed form**
 36 **from a public test to the election division.**

37 SECTION 38. IC 3-11-15-4, AS AMENDED BY P.L.71-2019,
 38 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 4. Each application for certification of a
 40 voting system shall be accompanied by a fee of five thousand dollars
 41 (\$5,000). All fees collected under this section shall be deposited with
 42 the treasurer of state in the voting system technical oversight program



1 account established by IC 3-11-17-6. **This section excludes an**
 2 **application for a de minimis change (as defined by IC 3-5-2-16.3).**

3 SECTION 39. IC 3-11-18.1-12, AS AMENDED BY P.L.193-2021,
 4 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 12. (a) Notwithstanding section 1 of this
 6 chapter, this section applies to an electronic poll book to be used in:

- 7 (1) a precinct polling place, office of the circuit court clerk, or a
 8 satellite office in accordance with IC 3-7-29-6; or
 9 (2) a vote center under this chapter.

10 (b) Notwithstanding any other law, the electronic poll book used
 11 must satisfy all of the following:

- 12 (1) The electronic poll book must comply with IC 3-11-8-10.3.
 13 (2) The electronic poll book must be approved by the secretary of
 14 state in accordance with this section.
 15 (3) Except with prior written authorization by the VSTOP, the
 16 electronic poll book must have been delivered to the county
 17 election board not less than sixty (60) days before an election at
 18 which the electronic poll book is used.

19 (c) A person who wishes to market, sell, lease, or provide an
 20 electronic poll book for use in an election in Indiana must first file an
 21 application for certification with the election division on a form
 22 prescribed by the secretary of state. Except as provided in subsection
 23 (i), a person may not market, sell, lease, or provide an electronic poll
 24 book for use in an election in Indiana until the secretary of state has
 25 approved the application for certification under this section. The
 26 application must state that the vendor has complied, and will continue
 27 to comply, with subsection (d) following certification of the electronic
 28 poll book. Each application for certification of an electronic poll book
 29 must be accompanied by a fee of one thousand five hundred dollars
 30 (\$1,500). **This subsection excludes an application for a de minimis**
 31 **change (as defined by IC 3-5-2-16.3).** All fees collected under this
 32 section shall be deposited with the treasurer of state in the voting
 33 system technical oversight program account established by
 34 IC 3-11-17-6.

35 (d) The person seeking certification of an electronic poll book shall
 36 conduct a background check at least once each year on each individual
 37 employed or contracted by the vendor who has access to the electronic
 38 poll book to determine if the individual has been convicted of a felony.
 39 An individual described by this subsection who has been convicted of
 40 a felony may not have access to an electronic poll book in the
 41 individual's capacity as an employee or contractor of the vendor.

42 (e) The secretary of state shall refer the application to the person or



- 1 entity conducting the VSTOP.
- 2 (f) The VSTOP shall examine the electronic poll book with its
3 accompanying documentation and file a report with the secretary of
4 state indicating all of the following:
- 5 (1) Whether the electronic poll book would operate in compliance
6 with this title.
 - 7 (2) Whether VSTOP has reviewed tests conducted by an approved
8 voting system testing laboratory.
 - 9 (3) Whether VSTOP has conducted a field test.
 - 10 (4) Whether the electronic poll book complies with additional
11 requirements for the electronic poll book application for
12 certification and acceptance testing, as described in the Indiana
13 Electronic Poll Book Certification Test Protocol approved by the
14 secretary of state (as in effect January 1, ~~2021~~: **2022**).
 - 15 (5) Any recommendations regarding the acquisition or use of the
16 electronic poll book.
 - 17 (6) Whether documentation of the escrow of the electronic poll
18 book's software, firmware, source codes, and executable images
19 with an escrow agent approved by the election division has been
20 received by VSTOP.
 - 21 (7) Whether VSTOP recommends that the secretary of state
22 approve the electronic poll book under this section, including any
23 recommended restrictions that should be placed on the secretary
24 of state's approval.
- 25 (g) After the report required by subsection (f) is filed, the secretary
26 of state may approve the application for certification permitting the
27 electronic poll book to be used in an election in Indiana.
- 28 (h) A certification under this section expires on December 31 of the
29 year following the date of its issuance, unless earlier revoked by the
30 secretary of state upon a written finding of good cause for the
31 revocation, including a violation of IC 3-11-17-7(b).
- 32 (i) A person may display or demonstrate an electronic poll book that
33 has not been certified under this section if the person complies with all
34 the following requirements:
- 35 (1) The display or demonstration occurs at a conference of
36 election officials sponsored by:
 - 37 (A) a state agency; or
 - 38 (B) an association of circuit court clerks or voter registration
39 officers.
 - 40 (2) The person files a notice with the election division at least
41 seven (7) days before the scheduled starting date of a conference
42 referred to in subdivision (1) setting forth the following:



- 1 (A) The name of the person and each representative scheduled
 2 to display or demonstrate the electronic poll book.
 3 (B) The address and telephone number of the person.
 4 (C) The model name of the electronic poll book.
 5 (D) The name and manufacturer of the electronic poll book.
 6 (E) The date and location of the display or demonstration of
 7 the electronic poll book.
 8 (3) The person displays the electronic poll book with a notice that:
 9 (A) is at least 16 point type size;
 10 (B) is posted on the surface of the electronic poll book; and
 11 (C) states that the electronic poll book is "Not Approved for
 12 Use in Indiana".
 13 (4) The person ensures that each communication concerning the
 14 electronic poll book that is available or made at a conference
 15 referred to in subdivision (1) includes a statement that the
 16 electronic poll book is "Not Approved for Use in Indiana". A
 17 printed communication must include the statement in a type size
 18 that is at least as large as the largest type size used in the
 19 communication.

20 SECTION 40. IC 3-11.5-4-5, AS AMENDED BY P.L.109-2021,
 21 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 5. (a) Upon receipt of the absentee ballot and
 23 not later than election day, the county election board, or the absentee
 24 board members in the office of the circuit court clerk, shall compare
 25 the signature of the voter on the absentee ballot application, or, if there
 26 is no application, with the signature on the electronic poll book, with
 27 the signature on:

- 28 (1) the voter's absentee ballot envelope **or ballot secrecy waiver**
 29 **form;** or
 30 (2) the computerized list, if there is no envelope **or ballot secrecy**
 31 **waiver form;**

32 (b) If a county election board **unanimously** finds that the signature
 33 on a ballot envelope or transmitted affidavit is genuine, the board shall
 34 enclose immediately the accepted and unopened ballot envelope,
 35 together with the voter's application for the absentee ballot, in a large
 36 or carrier envelope. If the county election board does not unanimously
 37 determine that the signature on a ballot envelope is genuine, the board
 38 shall also write on the ballot envelope described in subsection (c) or the
 39 transmitted affidavit from a voter under IC 3-11-4-6, the words
 40 "SIGNATURE DISPUTED". The board shall enclose in the same
 41 carrier envelope all absentee ballot envelopes and applications for the
 42 same precinct.



1 (c) The envelope shall be securely sealed and endorsed with the
 2 name and official title of the circuit court clerk and the following
 3 words: "This envelope contains an absentee ballot and must be opened
 4 only on election day under IC 3-11.5".

5 SECTION 41. IC 3-11.5-4-6, AS AMENDED BY P.L.108-2021,
 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 6. (a) Each circuit court clerk shall keep all
 8 accepted ballot envelopes securely sealed in the clerk's office until the
 9 ballot envelopes are opened by absentee ballot counters in accordance
 10 with this chapter.

11 (b) A county election board may scan a voted absentee ballot card
 12 using an optical scan ballot scanner not earlier than seven (7) calendar
 13 days before election day **if the optical scan ballot system permits the**
 14 **retraction of a previously scanned absentee ballot card under this**
 15 **subsection.** However, the county election board

16 ~~(1)~~ may not tabulate the ballots before election day **and if the**
 17 **optical scan ballot card system is unable to**

18 ~~(2)~~ **shall retract tabulate without first retracting** a previously
 19 scanned absentee ballot card of a voter who is later found
 20 disqualified or whose ballot may not be counted for any other
 21 reason under this title.

22 SECTION 42. IC 3-11.5-4-11, AS AMENDED BY P.L.109-2021,
 23 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 11. (a) Upon receipt of the absentee ballot and
 25 not later than election day, the county election board shall examine the
 26 signature on the absentee ballot.

27 (b) This subsection applies to a county that has not adopted an order
 28 to use an electronic poll book under IC 3-7-29-6(a)(1) or is a vote
 29 center county under IC 3-11-18.1. Except as provided in subsection (c),
 30 (d), or (e), at any time after the couriers return the certificate under
 31 section 9 of this chapter, absentee ballot counters appointed under
 32 section 22 of this chapter, in the presence of the county election board,
 33 shall, except for a ballot rejected under section 13 of this chapter:

34 (1) open the outer or carrier envelope containing an absentee
 35 ballot envelope and application;

36 (2) announce the absentee voter's name; and

37 (3) compare the signature upon the ballot application or, if there
 38 is no application, with the signature on the electronic poll book
 39 with the signature upon the:

40 (A) voter's absentee ballot envelope; or

41 (B) if there is no envelope, computerized list.

42 (c) This subsection applies to a county (other than a county



1 described in subsection (d) or (e)) that:

2 (1) has adopted an order to use an electronic poll book under
3 IC 3-7-29-6(a)(1); or

4 (2) is a vote center county under IC 3-11-18.1;

5 and has not updated the computerized list to reflect absentee ballots
6 received on election day. ~~Immediately after the electronic poll books~~
7 ~~used at each polling place or vote center have been updated to indicate~~
8 ~~that the county received; not later than noon on election day; an~~
9 ~~absentee ballot from a voter; the absentee ballot counters shall, in a~~
10 ~~central counting location designated by the county election board;~~
11 ~~count the absentee ballot votes cast for each candidate for each office~~
12 ~~and on each public question in the precinct. After the receipt and~~
13 ~~processing required under sections 12 and 12.5 of this chapter to~~
14 ~~process an absentee ballot from a voter and after ensuring that the~~
15 ~~electronic poll books used in each polling place or vote center have~~
16 ~~been updated to reflect all absentee ballots received by the county~~
17 ~~not later than 12:01 a.m. on election day, the absentee ballot~~
18 ~~counters shall, at any time after 6:00 a.m. on election day, in a~~
19 ~~central counting location designated by the county election board,~~
20 ~~count the absentee ballot votes cast for each candidate, for each~~
21 ~~office, and on each public question.~~

22 (d) This subsection applies to a county having a consolidated city,
23 if the county:

24 (1) has adopted an order to use an electronic poll book under
25 IC 3-7-29-6(a)(1); or

26 (2) is a vote center county under IC 3-11-18.1.

27 After the receipt and processing required under sections 12 and 12.5 of
28 this chapter to process an absentee ballot from a voter and after
29 ensuring that the electronic poll books used in each polling place or
30 vote center have been updated to reflect all absentee ballots received
31 by the county not later than 12:01 a.m. on election day, the absentee
32 ballot counters shall, at any time after 6:00 a.m. on election day, in a
33 central counting location designated by the county election board,
34 count the absentee ballot votes cast for each candidate, for each office,
35 and on each public question.

36 (e) This subsection applies to a county other than a county having
37 a consolidated city, if the county election board has adopted a
38 resolution by the unanimous vote of the entire membership of the board
39 to use procedures set forth in this subsection, and the county:

40 (1) has adopted an order to use an electronic poll book under
41 IC 3-7-29-6(a)(1); or

42 (2) is a vote center county under IC 3-11-18.1.



1 After the receipt and processing required under section 12 of this
 2 chapter to process an absentee ballot from a voter and after ensuring
 3 that the electronic poll books used in each polling place or vote center
 4 have been updated to reflect all absentee ballots received by the county
 5 not later than 12:01 a.m. on election day, the absentee ballot counters
 6 shall, at any time after 6:00 a.m. on election day, in a central counting
 7 location designated by the county election board, count the absentee
 8 ballot votes cast for each candidate, for each office, and on each public
 9 question.

10 (f) A resolution adopted under subsection (e) may be repealed or
 11 amended only by the unanimous vote of the entire membership of the
 12 county election board.

13 SECTION 43. IC 3-11.5-4-12, AS AMENDED BY P.L.210-2018,
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 12. (a) Notwithstanding any provision to the
 16 contrary in this chapter, in a county described by subsection (e) or (f),
 17 the signature review process described in this section may be
 18 conducted at any time after receipt of an absentee ballot by the county
 19 election board.

20 (b) If the absentee ballot counters find under section 11 of this
 21 chapter that:

- 22 (1) the affidavit is properly executed;
- 23 (2) the signatures correspond;
- 24 (3) the absentee voter is a qualified voter of the precinct;
- 25 (4) the absentee voter is registered and is not required to file
 26 additional information with the county voter registration office
 27 under IC 3-7-33-4.5; and
- 28 (5) in case of a primary election, if the absentee voter has not
 29 previously voted, the absentee voter has executed the proper
 30 declaration relative to age and qualifications and the political
 31 party with which the absentee voter intends to affiliate;

32 the absentee ballot counters shall open the envelope containing the
 33 absentee ballots so as not to deface or destroy the affidavit and take out
 34 each ballot enclosed without unfolding or permitting a ballot to be
 35 unfolded or examined.

36 (c) If the absentee ballot counters find under subsection (b) that the
 37 voter has not filed the additional information required to be filed with
 38 the county voter registration office under IC 3-7-33-4.5, but that all of
 39 the other findings listed under subsection (b) apply, the absentee ballot
 40 shall be processed as a provisional ballot under IC 3-11.7.

41 (d) The absentee ballot counters shall then deposit the ballots in a
 42 secure envelope with the name of the precinct set forth on the outside



1 of the envelope. After the absentee ballot counters or the county
 2 election board has made the findings described in subsection (b) or
 3 section 13 of this chapter for all absentee ballots of the precinct, the
 4 absentee ballot counters shall remove all the ballots deposited in the
 5 envelope under this section for counting under IC 3-11.5-5 or
 6 IC 3-11.5-6.

7 (e) This subsection applies to a county having a consolidated city.
 8 For an absentee ballot cast in person by a voter under IC 3-11-10-25,
 9 IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may,
 10 but are not required to, make the findings required under subsection
 11 (b)(2) or (b)(3). ~~of this section.~~

12 (f) This subsection applies to a county:

13 (1) that does not have a consolidated city; and

14 (2) when the county election board has adopted a resolution by
 15 the unanimous vote of its entire membership to use the procedures
 16 set forth in this subsection.

17 For an absentee ballot cast in person by a voter under IC 3-11-10-25,
 18 IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may,
 19 but are not required to, make the findings required under subsection
 20 (b)(2) or (b)(3). ~~of this section.~~

21 (g) A resolution adopted under subsection (f) may be repealed or
 22 amended only by the unanimous vote of the entire membership of the
 23 county election board.

24 **(h) The county election board shall notify the absentee ballot**
 25 **counters of the receipt of the absentee ballots to the absentee ballot**
 26 **counters for consideration.**

27 SECTION 44. IC 3-11.5-4-13.6, AS ADDED BY P.L.109-2021,
 28 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 13.6. (a) This section applies to an absentee
 30 ballot where there is a finding that the voter's signature on the absentee
 31 ballot security envelope affidavit is missing and therefore does not
 32 correspond to the signature on the voter's absentee ballot application or
 33 electronic poll book.

34 (b) Section 13.5(c), 13.5(d), and 13.5(f) of this chapter apply to this
 35 section.

36 (c) The county election board or board of elections and registration
 37 shall not reject an absentee ballot with a missing security envelope
 38 signature if either of the following conditions is satisfied and the
 39 county election board or board of elections and registration determines
 40 that the unsigned absentee ballot affidavit is truthful and otherwise in
 41 compliance with this section:

42 (1) The voter delivers:



- 1 (A) in person;
 2 (B) by mail;
 3 (C) by facsimile; or
 4 (D) by electronic mail;
 5 an affidavit of unsigned ballot that is signed by the voter, and the
 6 county election board or board of elections and registration
 7 receives the affidavit not later than noon eight (8) days after
 8 election day.
 9 (2) Before the close of the polls on election day, the voter
 10 completes and files an affidavit of unsigned ballot with the
 11 inspector or other chief election official of the precinct or vote
 12 center within the county. The inspector or vote center official
 13 shall forward the affidavit of unsigned ballot to the county
 14 election board or board of elections and registration with the other
 15 materials from the precinct.
 16 (d) Upon receipt of the affidavit of unsigned ballot, the county
 17 election board or county board of elections and registration shall open
 18 the provisional ballot envelope to access the voter's absentee ballot
 19 security envelope to:
 20 (1) compare the signature on the affidavit of unsigned ballot with
 21 the most recent signature on the voter's registration record in the
 22 statewide voter registration system, or the signature on the
 23 absentee ballot application; or
 24 (2) if the ballot is for a military or overseas voter who transmitted
 25 the ballot by facsimile or electronic mail, compare the affidavit
 26 found under IC 3-11-4-6(h) and, if applicable, the signature found
 27 in the voter's registration record or the signature on the absentee
 28 ballot application.
 29 (e) If:
 30 (1) upon conducting the comparison of the signatures, the board
 31 determines that the signatures match and there are no other
 32 challenges that have been made to the ballot, the board shall open
 33 the absentee ballot security envelope and add the votes cast on the
 34 ballot to the tally for the voter's precinct; **or**
 35 (2) **an absentee ballot signature mismatch has occurred, the**
 36 **county election board or board of elections and registration**
 37 **shall send a notice produced from the computerized system**
 38 **established by IC 3-7-26.3 to the voter of the determination of**
 39 **the absentee voter board, absentee ballot counters, county**
 40 **election board, or board of elections and registration that an**
 41 **absentee ballot signature mismatch has occurred. The county**
 42 **election board shall:**



- 1 **(A) mail the notice by first class United States mail to the**
- 2 **registration address of the voter;**
- 3 **(B) send the notice by electronic mail to the voter if an**
- 4 **electronic mail address for the voter is available; and**
- 5 **(C) call the voter by telephone to provide notice of the**
- 6 **signature mismatch determination, if a telephone number**
- 7 **for the voter is available;**
- 8 **not later than the close of business two (2) business days after**
- 9 **the signature mismatch determination by the county occurs.**

10 (f) If, upon conducting the comparison of the signatures, the board
 11 determines that the signatures are mismatched, the voter's absentee
 12 ballot security envelope shall not be opened and the ballot may not be
 13 counted. The board shall write "this ballot has been rejected because
 14 of a mismatched signature" on the face of the security envelope. The
 15 provisional ballot envelope must be resealed and the status of the
 16 rejected ballot must be set forth under the "County Election Board
 17 Findings" on the affidavit.

18 (g) The affidavit of unsigned ballot shall be prescribed by the
 19 election division under IC 3-5-4-8, shall be produced from the
 20 computerized list established under IC 3-7-26.3, must be in
 21 substantially the following form, and may be included on the same
 22 page as the notice and instructions:

23 **AFFIDAVIT OF UNSIGNED BALLOT**

24 I, [voter's name], am a registered voter of [voter's county of
 25 residence] County, State of Indiana. I declare under the penalties
 26 of perjury that I requested and returned an absentee ballot. I am
 27 a resident of the precinct in which I have voted (or I am entitled
 28 to vote in this precinct under Indiana law), and I am the person
 29 whose name appears on the absentee ballot envelope. I understand
 30 that if I commit or attempt any fraud in connection with voting, or
 31 if I aid or abet fraud or attempt to aid or abet fraud in connection
 32 with voting, I may be convicted of a felony punishable by
 33 imprisonment, a fine, or both. I understand that my failure to sign
 34 this statement means that my absentee ballot will not be counted.

35 _____

36 Voter's Signature

37 _____

38 Voter's Printed Name

39 _____

40 Voter's Registration Address

41 The computerized list shall preprint the name of the voter in the
 42 appropriate parts of the affidavit.



1 (h) The following instructions, prescribed by the election division
 2 under IC 3-5-4-8 and produced from the computerized list established
 3 under IC 3-7-26.3, shall accompany the affidavit of unsigned ballot in
 4 substantially the following form:

5 NOTICE FROM COUNTY ELECTION BOARD
 6 REGARDING AN AFFIDAVIT OF UNSIGNED BALLOT FOR
 7 ABSENTEE BALLOT

8 Read these instructions carefully before completing the statement.
 9 Failure to follow these instructions may cause your ballot to not
 10 be counted.

11 (1) We have determined that your signature is missing on your
 12 absentee ballot security envelope. To ensure that your absentee
 13 ballot will be counted, you must complete and return an
 14 affidavit of unsigned ballot.

15 (2) Your affidavit of unsigned ballot must be received by the
 16 county election board or board of elections and registration not
 17 later than noon, local prevailing time, eight (8) days after the
 18 election, with the statement specifying the day on which the
 19 eighth day after the election will fall.

20 (3) You must sign your name where specified on the affidavit
 21 of unsigned ballot.

22 (4) Place the affidavit of unsigned ballot into a mailing
 23 envelope addressed to your county election official. Mail, hand
 24 deliver, or have your completed affidavit delivered to the
 25 board. Be sure to include sufficient postage if mailed, and
 26 include the address of the county election board provided
 27 below.

28 (5) If you do not wish to send your affidavit of unsigned ballot
 29 by mail or have it hand delivered, you may submit your
 30 completed affidavit by electronic mail or facsimile
 31 transmission to the county election board using the following
 32 information provided by your county [insert county electronic
 33 mail address and facsimile number].

34 (6) Include your name on the affidavit.

35 (i) A ballot may not be removed from the security envelope until the
 36 time for processing the ballot.

37 (j) Except where clearly inapplicable under IC 3-11.7, an unsigned
 38 absentee ballot security envelope is to be treated as a provisional ballot
 39 and is subject to the same confidentiality restrictions under
 40 IC 3-11.7-6-3. The affidavit of unsigned ballot and the signature
 41 verification statement executed by the voter are confidential under
 42 IC 3-11.7-6-3.



1 SECTION 45. IC 3-11.7-2-2, AS AMENDED BY P.L.193-2021,
 2 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 2. (a) A provisional voter shall do the
 4 following:

5 (1) Execute the affidavit described in IC 3-10-1-9 or
 6 IC 3-11-8-23.

7 (2) Sign the poll list.

8 (3) Mark the ballot in the presence of no other person, unless the
 9 voter requests help in marking a ballot under IC 3-11-9.

10 (4) Fold each ballot separately.

11 (5) Fold each ballot so as to conceal the marking.

12 (6) Enclose each ballot, with the seal and signature of the circuit
 13 court clerk on the outside, together with any unused ballot, in the
 14 envelope provided by the county election board under
 15 IC 3-11.7-1-8.

16 (7) Securely seal the envelope.

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

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

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

34 SECTION 46. IC 3-11.7-6-4 IS REPEALED [EFFECTIVE UPON
 35 PASSAGE]. Sec. 4. (a) ~~Not later than three (3) calendar days after~~
 36 ~~election day, the circuit court clerk shall provide a notice containing the~~
 37 ~~following information to each voter who casts a provisional ballot:~~

38 (1) ~~The reason or reasons that the voter's ballot is being treated as~~
 39 ~~a provisional ballot.~~

40 (2) ~~A description of what actions, if any, the provisional voter~~
 41 ~~must take in order to have the provisional voter's ballot counted~~
 42 ~~under this article.~~



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

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

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

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

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

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

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

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

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

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

21 SECTION 47. IC 3-12-1-18, AS ADDED BY P.L.66-2010,
 22 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 18. (a) This section applies to a federal
 24 write-in absentee ballot cast in a primary election as provided in
 25 IC 3-11-4-12.5(b)(1) by an absent uniformed services voter or overseas
 26 voter.

27 (b) If a voter does any of the following, the voter's vote is void:

28 (1) The voter votes for more than one (1) candidate, and the
 29 candidates are not on the official primary ballot of the same
 30 political party.

31 (2) The voter votes for a candidate who is not on the official
 32 primary ballot of any political party.

33 (3) The voter votes for a candidate who is on the official primary
 34 ballot of a political party, but the voter does not indicate the office
 35 for which the candidate seeks to be nominated.

36 (c) If the voter votes for a political party, but the voter does not vote
 37 for any individual candidates who are on that political party's official
 38 primary ballot, the voter's vote is void.

39 **(d) If there is a discrepancy between political party primary**
 40 **ballot choice between the federal write-in absentee ballot described**
 41 **in subsection (a) and the federal post card application, the federal**
 42 **post card application supersedes the federal write-in absentee**



1 **ballot.**

2 SECTION 48. IC 3-12-3-2.2, AS ADDED BY P.L.193-2021,
3 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 2.2. (a) This section does not apply to an
5 electronic poll book or voting system subject to an impoundment order
6 issued by a court or a recount commission until the impoundment order
7 is rescinded.

8 (b) This subsection applies to an electronic poll book. The inspector
9 and judge of the opposite political party shall immediately deliver all
10 electronic poll books from a precinct polling location or vote center to
11 the county election board with the other election material under section
12 2(b) of this chapter. The county election board shall secure the
13 electronic poll books in accordance with the requirements of
14 IC 3-11-15-46.

15 (c) This subsection applies to a voting system. At any time after the
16 polls close on election day:

- 17 (1) the county election board;
18 (2) teams consisting of at least two (2) individuals that:
19 (A) are designated by the county election board;
20 (B) are affiliated with a political party entitled to nominate an
21 individual to serve as an appointed member of the county
22 election board; and
23 (C) have at least two (2) individuals on the team who are not
24 members of the same political party; or
25 (3) a commercial delivery entity operating under a contract with
26 the county election board;

27 shall return all voting systems from the polls for the precinct or from
28 the vote centers to a storage facility to be secured under IC 3-11-15-46.

29 (d) The county election board may not:

- 30 (1) designate any individual to serve on a team if the individual
31 is:
32 (A) imprisoned;
33 (B) subject to lawful detention;
34 (C) on probation;
35 (D) on parole;
36 (E) subject to home detention; or
37 (F) placed in a community corrections program; or
38 (2) permit a commercial delivery entity to allow any individual
39 who is:
40 (A) imprisoned;
41 (B) subject to lawful detention;
42 (C) on probation;



- 1 (D) on parole;
 2 (E) subject to home detention; or
 3 (F) placed in a community corrections program;
 4 to have access to or return a voting system.
- 5 (e) If a county election board uses the teams or a commercial
 6 delivery entity described in subsection (c), the board shall require that:
 7 (1) two (2) members of each team who are not members of the
 8 same political party; or
 9 (2) the commercial delivery entity;
 10 execute a certificate setting forth the information set forth in subsection
 11 (f).
- 12 (f) The certificate required in subsection (e) must be signed by the
 13 two (2) members of each team described in subsection (c) or by an
 14 individual authorized to act on behalf of the commercial delivery entity
 15 described in subsection (c). The certificate must include the following:
 16 (1) That the voting systems remained in the custody and control
 17 of each individual during the period beginning when the voting
 18 systems were received ~~from the county election board at the polls~~
 19 and ending when the voting systems were returned to the location
 20 designated for securing voting systems under IC 3-11-15-46.
 21 (2) That no individual other than a team member or an individual
 22 acting on behalf of the commercial delivery entity had access to
 23 any voting system.
 24 (3) That an individual documented receipt of the voting system at
 25 the location when the system was returned.
 26 (4) The:
 27 (A) written name and signature of the individual; and
 28 (B) date that the voting system was delivered to the custody of
 29 that individual.
- 30 (g) Immediately upon any return of a voting system, the completed
 31 certificate must be filed with the county election board.
- 32 SECTION 49. IC 3-12-3.5-4.5, AS ADDED BY P.L.193-2021,
 33 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 4.5. (a) This section does not apply to an
 35 electronic poll book or voting system subject to an impoundment order
 36 issued by a court or a recount commission until the impoundment order
 37 is rescinded.
 38 (b) This subsection applies to an electronic poll book. The inspector
 39 and judge of the opposite political party shall immediately deliver all
 40 electronic poll books from a precinct polling location or vote center to
 41 the county election board with the other election material described in
 42 IC 3-12-3-2(b). The county election board shall secure the electronic



- 1 poll books in accordance with the requirements of IC 3-11-15-46.
- 2 (c) This subsection applies to a voting system. At any time after the
- 3 polls close on election day:
- 4 (1) the county election board;
- 5 (2) teams consisting of at least two (2) individuals that:
- 6 (A) are designated by the county election board;
- 7 (B) are affiliated with a political party entitled to nominate an
- 8 individual to serve as an appointed member of the county
- 9 election board; and
- 10 (C) have at least two (2) individuals on the team who are not
- 11 members of the same political party; or
- 12 (3) a commercial delivery entity operating under a contract with
- 13 the county election board;
- 14 shall return all voting systems from the polls for the precinct or from
- 15 the vote centers to a storage facility to be secured under IC 3-11-15-46.
- 16 (d) The county election board may not:
- 17 (1) designate any individual to serve on a team if the individual
- 18 is:
- 19 (A) imprisoned;
- 20 (B) subject to lawful detention;
- 21 (C) on probation;
- 22 (D) on parole;
- 23 (E) subject to home detention; or
- 24 (F) placed in a community corrections program; or
- 25 (2) permit a commercial delivery entity to allow any individual
- 26 who is:
- 27 (A) imprisoned;
- 28 (B) subject to lawful detention;
- 29 (C) on probation;
- 30 (D) on parole;
- 31 (E) subject to home detention; or
- 32 (F) placed in a community corrections program;
- 33 to have access to or return a voting system.
- 34 (e) If a county election board uses the teams or a commercial
- 35 delivery entity described in subsection (c), the board shall require that:
- 36 (1) two (2) members of each team who are not members of the
- 37 same political party; or
- 38 (2) the commercial delivery entity;
- 39 execute a certificate setting forth the information set forth in subsection
- 40 (f).
- 41 (f) The certificate required in subsection (e) must be signed by the
- 42 two (2) members of each team described in subsection (c) or by an



1 individual authorized to act on behalf of the commercial delivery entity
2 described in subsection (c). The certificate must include the following:

3 (1) That the voting systems remained in the custody and control
4 of each individual during the period beginning when the voting
5 systems were received ~~from the county election board at the polls~~
6 and ending when the voting systems were returned to the location
7 designated for securing voting systems under IC 3-11-15-46.

8 (2) That no individual other than a team member or an individual
9 acting on behalf of the commercial delivery entity had access to
10 any voting system.

11 (3) That an individual documented receipt of the voting system at
12 the location when the system was returned.

13 (4) The:

14 (A) written name and signature of the individual; and

15 (B) date that the voting system was delivered to the custody of
16 that individual.

17 (g) Immediately upon any return of a voting system, the completed
18 certificate must be filed with the county election board.

19 SECTION 50. IC 3-12-13-3, AS ADDED BY P.L.34-2019,
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2022]: Sec. 3. As used in this chapter, "~~risk-limiting~~
22 "**post-election** audit" means an audit protocol that makes use of
23 statistical methods and is designed to limit to acceptable levels the risk
24 of certifying a preliminary election outcome that constitutes an
25 incorrect outcome.

26 SECTION 51. IC 3-12-13-4, AS ADDED BY P.L.34-2019,
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2022]: Sec. 4. (a) The secretary of state may designate
29 counties as ~~risk-limiting post-election~~ audit ~~pilot~~ counties.

30 (b) For a county to be designated as a ~~risk-limiting post-election~~
31 audit ~~pilot~~ county, the county election board must adopt a resolution
32 requesting the secretary of state to designate the county as a
33 ~~risk-limiting post-election~~ audit ~~pilot~~ county.

34 (c) In designating a county as a ~~risk-limiting post-election~~ audit
35 ~~pilot~~ county, the secretary of state shall seek to designate a variety of
36 counties as ~~pilot post-election audit~~ counties based on the number of
37 active voters within the county.

38 (d) A county designated as a ~~risk-limiting post-election~~ audit ~~pilot~~
39 county shall conduct ~~risk-limiting post-election~~ audits as provided in
40 this chapter.

41 SECTION 52. IC 3-12-13-5, AS AMENDED BY P.L.135-2020,
42 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 5. (a) The secretary of state shall determine the
2 elections that are subject to a ~~risk-limiting~~ **post-election** audit.

3 (b) All contested elections for an elected office and all public
4 questions are eligible for designation under subsection (a) for a
5 ~~risk-limiting~~ **post-election** audit.

6 SECTION 53. IC 3-12-13-6, AS AMENDED BY P.L.193-2021,
7 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2022]: Sec. 6. (a) The secretary of state may waive the
9 requirement of section 5 of this chapter, after a written request by a
10 county election board.

11 (b) The secretary of state may waive the requirement of section 5 of
12 this chapter only if the county election board shows that the technology
13 in use by the county will not enable the county election board to satisfy
14 the requirements for a ~~risk-limiting~~ **post-election** audit for an election.

15 SECTION 54. IC 3-12-13-7, AS AMENDED BY P.L.135-2020,
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2022]: Sec. 7. (a) The secretary of state shall issue orders to
18 implement and administer the requirements of this chapter.

19 (b) In issuing an order under subsection (a), the secretary of state
20 shall:

- 21 (1) consult with recognized statistical experts, equipment vendors,
22 the election division, and county election officials; and
- 23 (2) consider best practices for conducting ~~risk-limiting~~
24 **post-election** audits.

25 **(c) A post-election audit shall be completed not later than:**

26 **(1) the final Friday in June following the primary; or**

27 **(2) December 20 following the election.**

28 SECTION 55. IC 3-13-10-2, AS AMENDED BY P.L.278-2019,
29 SECTION 160, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A vacancy in the office of
31 township trustee:

- 32 (1) not covered by section 1 of this chapter; or
- 33 (2) covered by section 1 of this chapter, but not filled by a major
34 political party by the applicable deadline set forth in
35 IC 3-13-11-3;

36 shall be filled by the board of commissioners of the county at a regular
37 or special meeting.

38 (b) The county auditor shall give notice of the meeting.

39 (c) The meeting shall be held not later than thirty (30) days after:

- 40 (1) the vacancy occurs, if the vacancy is not covered by section 1
41 of this chapter; or
- 42 (2) the applicable deadline for a major political party to fill the



- 1 vacancy as set forth in IC 3-13-11-3.
- 2 (d) The notice must:
- 3 (1) be in writing;
- 4 (2) state the purpose of the meeting;
- 5 (3) state the date, time, and place of the meeting; and
- 6 (4) be sent by first class mail to each commissioner at least ten
- 7 (10) days before the meeting.
- 8 (e) If the vacancy:
- 9 (1) is not covered by section 1 of this chapter; and
- 10 (2) exists because of the death of the township trustee;
- 11 the meeting required by subsection (c) shall be held not later than thirty
- 12 (30) days after the county **auditor clerk** receives notice of the death
- 13 under IC 5-8-6. The county auditor may not give the notice required by
- 14 subsection (b) until the county **auditor clerk** receives notice of the
- 15 death under IC 5-8-6.
- 16 (f) If the vacancy:
- 17 (1) is covered by section 1 of this chapter;
- 18 (2) exists because of the death of the township trustee; and
- 19 (3) exists for more than thirty (30) days;
- 20 the meeting required under subsection (c) shall be held not later than
- 21 sixty (60) days after the county **auditor clerk** receives notice of the
- 22 death under IC 5-8-6. The county auditor may not give the notice
- 23 required by subsection (b) until the county **auditor clerk** receives notice
- 24 of the death under IC 5-8-6.
- 25 SECTION 56. IC 3-13-10-4, AS AMENDED BY P.L.278-2019,
- 26 SECTION 161, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) A vacancy on the township
- 28 board of a township:
- 29 (1) not covered by section 1 of this chapter; or
- 30 (2) covered by section 1 of this chapter, but not filled by a major
- 31 political party by the applicable deadline set forth in
- 32 IC 3-13-11-3;
- 33 shall be filled by the board of commissioners of the county at a regular
- 34 or special meeting.
- 35 (b) The county auditor shall give notice of the meeting.
- 36 (c) Except as provided in subsections (e) and (f), the meeting shall
- 37 be held not later than thirty (30) days after:
- 38 (1) the vacancy occurs, if the vacancy is not covered by section 1
- 39 of this chapter; or
- 40 (2) the applicable deadline for a major political party to fill the
- 41 vacancy as set forth in IC 3-13-11-3.
- 42 (d) The notice must:



- 1 (1) be in writing;
- 2 (2) state the purpose of the meeting;
- 3 (3) state the date, time, and place of the meeting; and
- 4 (4) be sent by first class mail to each commissioner at least ten
- 5 (10) days before the meeting.

6 (e) If a vacancy:

- 7 (1) is not covered by section 1 of this chapter; and
- 8 (2) exists because of the death of a township board member;

9 the meeting required by subsection (c) shall be held not later than thirty

10 (30) days after the county **auditor clerk** receives notice of the death

11 under IC 5-8-6. The county auditor may not give the notice required

12 under subsection (b) until the county **auditor clerk** receives notice of

13 the death under IC 5-8-6.

14 (f) If a vacancy:

- 15 (1) is covered by section 1 of this chapter;
- 16 (2) exists because of the death of a township board member; and
- 17 (3) exists for more than thirty (30) days;

18 the meeting required by subsection (c) shall be held not later than sixty

19 (60) days after the county **auditor clerk** receives notice of the death

20 under IC 5-8-6. The county auditor may not give the notice required by

21 subsection (b) until the county **auditor clerk** receives notice of the

22 death under IC 5-8-6.

23 SECTION 57. IC 3-13-11-12 IS AMENDED TO READ AS

24 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. (a) This section

25 does not apply to the office of a judge **or a member of a fiscal or**

26 **legislative body.**

27 (b) Subject to sections 13 through 17 of this chapter, the chief

28 deputy employee of the office that is vacant assumes the duties of that

29 office for the period of time between when a vacancy occurs and when

30 the office is filled under this chapter in a circuit, county, city, town, or

31 township office.

32 SECTION 58. IC 3-14-2-31 IS ADDED TO THE INDIANA CODE

33 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**

34 **UPON PASSAGE]: Sec. 31. Except for casting a replacement ballot**

35 **in accordance with this title, a voter who votes more than one (1)**

36 **ballot in the same election commits a Level 6 felony.**

37 SECTION 59. IC 3-14-5-2, AS AMENDED BY P.L.157-2019,

38 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

39 JULY 1, 2022]: Sec. 2. (a) Each precinct election board shall, at the

40 close of the polls, place ~~any affidavit prescribed by IC 3-6-6-12 for use~~

41 ~~on election day to determine the eligibility of a precinct election officer~~

42 ~~and~~ any affidavit prescribed by IC 3-10-1-9 to challenge the party



1 affiliation of a person wishing to cast a ballot in a primary election in
 2 a strong paper bag or envelope and securely seal it. Each member shall
 3 endorse that member's name on the back of the bag or envelope.

4 (b) Each precinct election board shall, at the close of the polls, place
 5 any affidavit other than an affidavit described in subsection (a) that is
 6 challenging the eligibility of a person who has offered to vote at a
 7 primary election in a strong paper bag or envelope and securely seal it.
 8 Each member shall endorse that member's name on the back of the bag
 9 or envelope.

10 (c) The inspector and judge of the opposite political party shall
 11 deliver the sealed bags or envelopes to the county election board. The
 12 county election board shall do the following:

13 (1) Remove the affidavits from the bag or envelope.

14 (2) Mail a copy of each affidavit to the secretary of state.

15 (3) Replace the affidavits within the bag or envelope.

16 (4) Reseal the bag or envelope with the endorsement of the name
 17 of each county election board member on the back of the bag or
 18 envelope.

19 (5) Carefully preserve the resealed bag or envelope and deliver it,
 20 with the county election board's seal unbroken, to the foreman of
 21 the grand jury when next in session.

22 (d) The grand jury shall inquire into the truth or falsity of the
 23 affidavits, and the court having jurisdiction over the grand jury shall
 24 specially charge the jury as to its duties under this section.

25 (e) The grand jury shall file a report of the result of its inquiry with:

26 (1) the court; and

27 (2) the NVRA official if a violation of NVRA appears to have
 28 occurred.

29 (f) The prosecuting attorney shall preserve the affidavits and
 30 envelopes in accordance with IC 3-10-1-31.1, and shall return the
 31 affidavits and envelopes to the circuit court clerk after the prosecuting
 32 attorney has completed any proceeding resulting from the investigation
 33 of the affidavits and envelopes.

34 SECTION 60. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) As used in this section,
 36 "political subdivision" has the meaning set forth in IC 36-1-2-13.

37 (b) The copy of the oath under section 2 of this chapter shall be
 38 deposited by the person as follows:

39 (1) Of all officers whose oath is endorsed on or attached to the
 40 commission and whose duties are not limited to a particular
 41 county or of a justice, judge, or prosecuting attorney, in the office
 42 of the secretary of state.



1 (2) Of the circuit court clerk, officers of a political subdivision or
 2 school corporation, and constables of a small claims court, in the
 3 circuit court clerk's office of the county containing the greatest
 4 percentage of the population of the political subdivision or school
 5 corporation.

6 (3) Of a deputy prosecuting attorney **or magistrate**, in the office
 7 of the clerk of the circuit court of the county in which the deputy
 8 prosecuting attorney **or magistrate** resides or serves.

9 SECTION 61. IC 5-8-6-3, AS AMENDED BY P.L.278-2019,
 10 SECTION 165, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) A person who knows of the
 12 death of an officeholder may certify the death to the following:

13 (1) The governor, in the case of the death of any of the following:

14 (A) An individual who holds a state office (as defined in
 15 IC 3-5-2-48).

16 (B) An individual who is a judge of a circuit, superior, small
 17 claims, probate, or city court.

18 (2) The secretary of state, in the case of the death of an individual
 19 who holds a legislative office (as defined in IC-3-5-2-28).

20 (3) The ~~prosecuting attorney~~ and circuit court clerk of the county
 21 in which the officeholder resided, in the case of the death of an
 22 officeholder of a county, city, town, township, or school
 23 corporation not covered under subdivision (1).

24 (b) A person who certifies the death of an officeholder shall:

25 (1) state the information that causes the person to believe the
 26 officeholder has died; and

27 (2) certify, under the penalties for perjury, that to the best of the
 28 person's knowledge and belief, the information stated is true.

29 SECTION 62. IC 20-46-1-14, AS AMENDED BY P.L.278-2019,
 30 SECTION 175, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The referendum shall be
 32 held in the next primary election, general election, or municipal
 33 election in which all the registered voters who are residents of the
 34 appellant school corporation are entitled to vote after certification of
 35 the question under IC 3-10-9-3. The certification of the question must
 36 occur not later than noon:

37 (1) seventy-four (74) days before a primary election if the
 38 question is to be placed on the primary or municipal primary
 39 election ballot; or

40 (2) August 1 if the question is to be placed on the general or
 41 municipal election ballot.

42 (b) However, if a primary election, general election, or municipal



1 election will not be held during the first year in which the public
 2 question is eligible to be placed on the ballot under this chapter and if
 3 the appellant school corporation requests the public question to be
 4 placed on the ballot at a special election, the public question shall be
 5 placed on the ballot at a special election to be held on the first Tuesday
 6 after the first Monday in May or November of the year. The
 7 certification must occur not later than noon:

8 (1) ~~sixty (60)~~ **seventy-four (74)** days before a special election to
 9 be held in May (if the special election is to be held in May); or

10 (2) on August 1 (if the special election is to be held in
 11 November).

12 (c) If the referendum is not conducted at a primary election, general
 13 election, or municipal election, the appellant school corporation in
 14 which the referendum is to be held shall pay all the costs of holding the
 15 referendum.

16 SECTION 63. IC 20-46-9-14, AS AMENDED BY P.L.109-2021,
 17 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 14. (a) The referendum shall be held in the
 19 next primary election, general election, or municipal election in which
 20 all the registered voters who are residents of the school corporation are
 21 entitled to vote after certification of the question under IC 3-10-9-3.
 22 The certification of the question must occur not later than noon:

23 (1) seventy-four (74) days before a primary election if the
 24 question is to be placed on the primary or municipal primary
 25 election ballot; or

26 (2) August 1 if the question is to be placed on the general or
 27 municipal election ballot.

28 (b) However, if a primary election, general election, or municipal
 29 election will not be held during the first year in which the public
 30 question is eligible to be placed on the ballot under this chapter and if
 31 the school corporation requests the public question to be placed on the
 32 ballot at a special election, the public question shall be placed on the
 33 ballot at a special election to be held on the first Tuesday after the first
 34 Monday in May or November of the year. The certification must occur
 35 not later than noon:

36 (1) ~~sixty (60)~~ **seventy-four (74)** days before a special election to
 37 be held in May (if the special election is to be held in May); or

38 (2) August 1 (if the special election is to be held in November).

39 (c) If the referendum is not conducted at a primary election, general
 40 election, or municipal election, the school corporation in which the
 41 referendum is to be held shall pay all the costs of holding the
 42 referendum.



1 SECTION 64. IC 29-1-8-12 IS ADDED TO THE INDIANA CODE
 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2022]: **Sec. 12. A personal representative of a decedent who was**
 4 **a treasurer or candidate for office may disband the committee**
 5 **associated with the decedent's office or campaign.**

6 SECTION 65. IC 35-52-3-43.5 IS ADDED TO THE INDIANA
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: **Sec. 43.5. IC 3-14-2-31 defines a**
 9 **crime concerning voting.**

10 SECTION 66. IC 36-2-3-4, AS AMENDED BY P.L.278-2019,
 11 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) This subsection does not
 13 apply to a county having a population of:

14 (1) more than four hundred thousand (400,000) ~~but and~~ less than
 15 seven hundred thousand (700,000); or

16 (2) more than two hundred fifty thousand (250,000) ~~but and~~ less
 17 than ~~two hundred seventy thousand (270,000):~~ **three hundred**
 18 **thousand (300,000).**

19 The county executive shall, by ordinance, divide the county into four
 20 (4) ~~contiguous~~, single-member districts that comply with subsection
 21 (d). If necessary, the county auditor shall call a special meeting of the
 22 executive to establish or revise districts. One (1) member of the fiscal
 23 body shall be elected by the voters of each of the four (4) districts.
 24 Three (3) at-large members of the fiscal body shall be elected by the
 25 voters of the whole county.

26 (b) This subsection applies to a county having a population of more
 27 than four hundred thousand (400,000) ~~but and~~ less than seven hundred
 28 thousand (700,000). The county redistricting commission established
 29 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 30 districts that comply with subsection (d). One (1) member of the fiscal
 31 body shall be elected by the voters of each of these seven (7)
 32 single-member districts.

33 (c) This subsection applies to a county having a population of more
 34 than two hundred fifty thousand (250,000) ~~but and~~ less than ~~two~~
 35 ~~hundred seventy thousand (270,000):~~ **three hundred thousand**
 36 **(300,000).** The fiscal body shall divide the county into nine (9)
 37 single-member districts that comply with subsection (d). Three (3) of
 38 these districts must be contained within each of the three (3) districts
 39 established under IC 36-2-2-4(c). One (1) member of the fiscal body
 40 shall be elected by the voters of each of these nine (9) single-member
 41 districts.

42 (d) Single-member districts established under subsection (a), (b), or



- 1 (c) must:
- 2 (1) be **composed of contiguous territory and** compact, subject
- 3 only to natural boundary lines (such as railroads, major highways,
- 4 rivers, creeks, parks, and major industrial complexes);
- 5 (2) not cross precinct boundary lines;
- 6 (3) contain, as nearly as possible, equal population; and
- 7 (4) include whole townships, except when a division is clearly
- 8 necessary to accomplish redistricting under this section.
- 9 (e) Except as provided by subsection (g), a division under
- 10 subsection (a), (b), or (c) shall be made:
- 11 (1) during the first year after a year in which a federal decennial
- 12 census is conducted; and
- 13 (2) when the county executive adopts an order declaring a county
- 14 boundary to be changed under IC 36-2-1-2.
- 15 (f) A division under subsection (a), (b), or (c) may be made in any
- 16 odd-numbered year not described in subsection (e).
- 17 (g) This subsection applies during the first year after a year in which
- 18 a federal decennial census is conducted. If the county executive, county
- 19 redistricting commission, or county fiscal body determines that a
- 20 division under subsection (e) is not required, the county executive,
- 21 county redistricting commission, or county fiscal body shall adopt an
- 22 ordinance recertifying that the districts as drawn comply with this
- 23 section.
- 24 (h) Each time there is a division under subsection (e) or (f) or a
- 25 recertification under subsection (g), the county executive, county
- 26 redistricting commission, or county fiscal body shall file with the
- 27 circuit court clerk of the county, not later than thirty (30) days after the
- 28 division or recertification occurs, a map of the district boundaries:
- 29 (1) adopted under subsection (e) or (f); or
- 30 (2) recertified under subsection (g).
- 31 (i) The limitations set forth in this section are part of the ordinance,
- 32 but do not have to be specifically set forth in the ordinance. The
- 33 ordinance must be construed, if possible, to comply with this chapter.
- 34 If a provision of the ordinance or an application of the ordinance
- 35 violates this chapter, the invalidity does not affect the other provisions
- 36 or applications of the ordinance that can be given effect without the
- 37 invalid provision or application. The provisions of the ordinance are
- 38 severable.
- 39 (j) If a conflict exists between:
- 40 (1) a map showing the boundaries of a district; and
- 41 (2) a description of the boundaries of that district set forth in the
- 42 ordinance;



1 the district boundaries are the description of the boundaries set forth in
 2 the ordinance, not the boundaries shown on the map, to the extent there
 3 is a conflict between the description and the map.

4 SECTION 67. IC 36-6-6-2.3, AS AMENDED BY P.L.278-2019,
 5 SECTION 192, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2022]: Sec. 2.3. (a) This section does not apply
 7 to a township board in a county containing a consolidated city.

8 (b) During the year preceding a general election for the members of
 9 the township board conducted under section 2 of this chapter, a
 10 township board may adopt a resolution under this section to provide for
 11 the staggering of the terms of its members.

12 (c) The resolution described in subsection (b) must provide all the
 13 following:

14 (1) That, notwithstanding section 2 of this chapter, the terms of
 15 the board members elected at the next general election must be as
 16 follows:

17 (A) The candidate who receives the greatest number of votes
 18 among all the candidates at the election shall serve a four (4)
 19 year term, beginning on January 1 after the next general
 20 election.

21 (B) The candidate who receives the second greatest number of
 22 votes among all the candidates at the election shall serve a two
 23 (2) year term, beginning on January 1 after the next general
 24 election.

25 (C) The candidate who receives the third greatest number of
 26 votes among all the candidates at the election shall serve a two
 27 (2) year term, beginning on January 1 after the next general
 28 election.

29 (2) That the term of office of each board member elected after the
 30 first election after adoption of the resolution is four (4) years,
 31 beginning January 1 after each board member's general election.

32 (d) If a township board adopts a resolution under this section,
 33 election of the board members must occur at the elections as provided
 34 in the resolution.

35 (e) If fewer candidates are elected than the number of board
 36 members to be elected, the incumbent board member or members that
 37 hold office under Article 15, Section 3 of the Constitution of the State
 38 of Indiana shall be determined under IC 3-13-10-6.5 by the county
 39 executive. The county executive shall determine the length of the term
 40 of each incumbent board member if more than one (1) incumbent board
 41 member continues to hold office under Article 15, Section 3 of the
 42 Constitution of the State of Indiana. The county executive shall



1 consider any applicable language in the resolution adopted by the
2 township in making this determination.

3 (f) If a tie occurs among the candidates for an office elected under
4 subsection (c), the tie is resolved under IC 3-12-9-4. The authority
5 resolving the tie determines the length of the term in accordance with
6 subsection (c) for a person selected to fill an office under this
7 subsection.

8 (g) A township board may repeal a resolution adopted under
9 subsection (b) subject to the following:

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

12 (2) The resolution may be repealed only in a year in which an
13 election for members of the township board is not held.

14 (3) The resolution must provide for the election of all members of
15 the township board at the next general election. Notwithstanding
16 subsection (c)(2) and section 2 of this chapter, the term of all the
17 members of the township board ends January 1 after the next
18 general election.

19 (4) The term of office of the members elected at the next general
20 election is four (4) years, beginning January 1 after that general
21 election.

22 (h) A resolution described in subsection (b) or a resolution repealing
23 a resolution previously adopted under subsection (b):

24 (1) must be filed with the circuit court clerk before January 1 of
25 a year in which an election of board members is scheduled to be
26 held; and

27 (2) takes effect when the ~~ordinance~~ **resolution** is filed with the
28 circuit court clerk.

29 **SECTION 68. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 328, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 328 as introduced.)

FORD JON, Chairperson

Committee Vote: Yeas 7, Nays 2

