



February 7, 2017

SENATE BILL No. 442

DIGEST OF SB 442 (Updated February 6, 2017 12:45 pm - DI 102)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-12; IC 3-13; IC 5-9; IC 20-23; IC 33-33; IC 33-35; IC 36-5.

Synopsis: Various election matters. Removes a reference to a county executive in the definition of "county voter registration office". Specifies the allocation of municipal and special election administration expenses among a county and the municipalities in the county in vote center counties. Specifies the extended deadline for taking an action or making a filing when a government office is closed. Adds a county voter registration office to the list of offices where filings by fax or electronic mail are not available. Specifies that any petition that requires the county voter registration office to certify the validity of the signatures may not contain electronic, digitized, or photocopied signatures. Adds courses on law governing accessibility to polling places and voting systems to the certified election worker training curriculum, and reduces the term of the certification from four to two years. Specifies the number of challengers, pollbook holders, poll watchers, and media representatives who are allowed in a voting location. Specifies that the date on which voter registration closes before an election and reopens after an election applies to special elections and municipal primary elections. Makes changes to the voter list maintenance procedures. Provides that a felony conviction that has been pardoned, reversed, vacated, set aside, or expunged does not disqualify a person from holding elected office. Provides that a declaration of candidacy is not invalid if a candidate is unable to state the ward in which the candidate resides. Specifies the ways in which a candidate for a small town office or multiple candidates for an at-large town council seat may be nominated. Specifies that a candidate
(Continued next page)

Effective: Upon passage; July 1, 2017.

Walker

January 12, 2017, read first time and referred to Committee on Elections.
February 6, 2017, amended, reported favorably — Do Pass.

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Digest Continued

for local office is not required to file a written consent to a nomination until after petitions for nomination have been filed with the appropriate election official. Allows a candidate to contest the denial of certification based on a county voter registration office's failure to certify petitioners. Updates dates of election for various offices. Adds affidavits for presidential voting and for voting in a precinct of prior residence to the list of election materials to be preserved. Specifies that, whenever the boundaries of a political subdivision change as the result of annexation or disannexation of territory, or whenever the boundaries of an election district within a political subdivision change, the precinct boundaries within the political subdivision do not automatically change and may be changed only as provided by IC 3-11-1.5. Requires that candidates seeking election to a school board office as a member representing a district be placed on the ballot before candidates seeking election to a school board office as an at-large member. Adds the purchase of electronic poll books as an allowable use of a county voting system purchase fund and appropriated funds to the voting system technical oversight fund. Requires a county election board of a county planning to use automatic tabulating machines at an election to randomly select and test at least 10% of the machines in a public test. Provides that, if an individual attending the public test requests that additional machines be tested, then the county election board shall randomly select and test additional machines up to a maximum of 15% of the machines that will be used at the election. Allows a voter who is a parent, grandparent, or other person caring for a minor child to take the child into the voting booth with the voter. Increases from 10 to 50 the number of days before an election that the county election board must notify the political parties of the number of absentee ballot workers that may be appointed. Revises the procedure to deposit or bond for recount expenditures chargeable to a petitioner. Specifies which recounts are conducted by the state recount commission. Requires superior court judges in Lake and St. Joseph counties to file a statement with the secretary of state requesting a retention vote. Makes conforming amendments.

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February 7, 2017

First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE BILL No. 442

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

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

1 SECTION 1. IC 3-5-2-16.2, AS AMENDED BY P.L.225-2011,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 16.2. "County voter registration office" means the
4 following:

- 5 (1) A board of registration established by a ~~county executive~~
6 **acting** under IC 3-7-12.
7 (2) A board of elections and registration established under
8 IC 3-6-5.2 or IC 3-6-5.4.
9 (3) The office of the circuit court clerk, in a county in which a
10 board has not been established under subdivision (1) or (2).

11 SECTION 2. IC 3-5-3-8 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) Except as provided in
13 subsection (b), during the period that begins ninety (90) days before a
14 municipal primary election and continues until the day after the
15 following municipal election, all expenses of the primary election and

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1 election that cannot be chargeable directly to any municipality shall be
2 apportioned as follows:

3 (1) Twenty-five percent (25%) to the county.

4 (2) Seventy-five percent (75%) to the municipalities in the county
5 holding the municipal primary election and municipal election.

6 (b) The apportionment made under subsection (a) does not apply to
7 a town that has entered into an agreement with the county under
8 IC 3-10-7-4 to pay the county a fixed amount for the expenses
9 described in subsection (a).

10 **(c) This subsection applies to a county that is designated as a**
11 **vote center county under IC 3-11-18.1. During the period that**
12 **begins ninety (90) days before a municipal primary election and**
13 **continues until the day after the following municipal election, all**
14 **expenses incurred by the county in conducting the municipal**
15 **primary election and municipal election shall be apportioned**
16 **among the municipalities in the county holding a municipal**
17 **primary and municipal election.**

18 SECTION 3. IC 3-5-3-9 IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) Except as provided in
20 ~~subsection~~ **subsections (c) and (d)**, whenever more than one (1)
21 municipality in a county conducts a municipal primary election, the
22 seventy-five percent (75%) of expenses that cannot be chargeable
23 directly to any particular municipality under section 8 of this chapter
24 shall be apportioned to each municipality in the same ratio that the
25 number of voters who cast a ballot in the municipality at the municipal
26 primary election bears to the total number of voters who cast a ballot
27 in all of the municipalities in the county at that municipal primary
28 election.

29 (b) Except as provided in ~~subsection~~ **subsections (c) and (d)**,
30 whenever more than one (1) municipality in a county conducts a
31 municipal election, the seventy-five percent (75%) of expenses that are
32 not chargeable directly to any particular municipality under section 8
33 of this chapter must be apportioned to each municipality in the same
34 ratio that the number of voters who cast a ballot in the municipality at
35 the municipal election bears to the total number of voters who cast a
36 ballot in all of the municipalities in the county that conducted a
37 municipal election.

38 (c) The apportionment made under subsection (a) does not apply to
39 a town that has entered into an agreement with the county under
40 IC 3-10-7-4 to pay the county a fixed amount for the expenses
41 described in subsection (a).

42 **(d) This subsection:**

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1 (1) applies to a county designated as a vote center county
2 under IC 3-11-18.1; and

3 (2) does not apply to a town that has entered into an
4 agreement with the county under IC 3-10-7-4 to pay the
5 county a fixed amount for its municipal primary election and
6 municipal election expenses.

7 All expenses incurred by the county in conducting the municipal
8 primary election and municipal election shall be apportioned to
9 each municipality in the same ratio that the number of voters who
10 cast a ballot in the municipality at the municipal primary election
11 or the municipal election bears to the total number of voters who
12 cast a ballot in all of the municipalities in the county at that
13 municipal primary election or municipal election.

14 SECTION 4. IC 3-5-3-12 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2017]: Sec. 12. (a) This section applies to a special election that
17 is conducted:

18 (1) on the same date as another election; and

19 (2) in precincts in which the other election is not conducted on
20 that date.

21 (b) This section does not apply to a special election conducted in
22 a county at the same time as:

23 (1) a primary election conducted in a general election year; or

24 (2) a general election.

25 (c) If a statute requires that a political subdivision pay all costs
26 of conducting a special election, then the political subdivision is
27 required to pay only the costs incurred for conducting the special
28 election in the precincts in which the other election is not
29 conducted on that date. The cost incurred by the political
30 subdivision shall be determined based on the ratio that the number
31 of voters who cast a ballot in the precincts in which the other
32 election is not conducted bears to the total number of voters who
33 cast a ballot in all elections conducted within the county on that
34 date.

35 SECTION 5. IC 3-5-4-1.5, AS AMENDED BY P.L.169-2015,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2017]: Sec. 1.5. (a) This section applies if this title requires
38 that a legal action be taken at the office of:

39 (1) the secretary of state or the election division; or

40 (2) a circuit court clerk or a political subdivision.

41 (b) Notwithstanding IC 4-1-2-2, if the final day **or time** for
42 performing the action falls on a day **or time** when the office is not open



1 to conduct public business or on a day observed as a holiday under
2 IC 1-1-9, the legal action may be performed:

- 3 (1) on the next day that the office is open for public business; or
4 (2) through noon of the next day that the office is open for public
5 business if the action to be performed is the receipt of a filing.

6 SECTION 6. IC 3-5-4-1.7, AS AMENDED BY P.L.219-2013,
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2017]: Sec. 1.7. (a) Except as otherwise expressly authorized
9 or required under this title, a filing by a person with a commission, the
10 election division, ~~or an election board,~~ **or a county voter registration**
11 **office** may not be made by fax or electronic mail.

12 (b) A petition of nomination filed with a county voter registration
13 office under IC 3-8-2, **IC 3-8-2.5**, IC 3-8-3, or IC 3-8-6 or a petition to
14 place a public question on the ballot, **or any other petition filed that**
15 **requires the county voter registration office to certify the validity**
16 **of signatures**, may not contain the electronic signature (as defined in
17 IC 5-24-2-2), digital signature (as defined in IC 5-24-2-1), digitized
18 signature, or photocopied signature of a voter.

19 SECTION 7. IC 3-6-5-15, AS AMENDED BY P.L.219-2013,
20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2017]: Sec. 15. (a) Except as provided in subsection (b), this
22 section applies when an election is conducted in a political subdivision
23 (as defined in IC 36-1-2-13 and other than a county) that contains
24 territory in more than one (1) county.

25 (b) This section does not apply to an election:

- 26 (1) conducted at the same time as a primary or general election
27 during an even-numbered year; or
28 (2) conducted in a town by a town election board under IC 3-10-7.

29 (c) To the extent authorized by this section, the county election
30 board of the county that contains the greatest percentage of population
31 of the political subdivision shall conduct all elections for the political
32 subdivision. The county election board may designate polling places
33 for the election, which may be located in any county in which the
34 political subdivision is located, and shall appoint precinct election
35 officers to conduct the election upon nomination by the county
36 chairman of the county where the precinct is located, or by filling a
37 vacancy if a nomination is not timely made. However, each county
38 election board shall provide poll lists for voters, receive and approve
39 absentee ballot applications, issue certificates of error or other
40 documents for the voters of that county, print ballots for the municipal
41 **or special** election, and conduct activity required to canvass the votes
42 under IC 3-12-5-2(b).



1 SECTION 8. IC 3-6-6.5-2, AS ADDED BY P.L.230-2005,
 2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2017]: Sec. 2. The program must consist of courses in several
 4 aspects of precinct election administration, including the following:

- 5 (1) The duties of precinct election officers and county election
 6 officials.
 7 (2) The laws governing activity permitted and prohibited in
 8 polling places.
 9 (3) The laws and procedures governing the operation of voting
 10 systems.
 11 (4) The laws governing voter registration, absentee ballots,
 12 provisional ballots, and the tabulation of ballots.
 13 (5) Effective communication and problem solving techniques.
 14 **(6) The laws and procedures governing the accessibility of**
 15 **polling places and voting systems for individuals with**
 16 **disabilities.**

17 SECTION 9. IC 3-6-6.5-4, AS ADDED BY P.L.230-2005,
 18 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2017]: Sec. 4. The designation of an individual as a certified
 20 election worker expires January 1 of the ~~fourth~~ **second** year following
 21 the individual's certification. The individual's certification may be
 22 renewed by the secretary of state after compliance with the
 23 requirements for renewal established under this chapter.

24 SECTION 10. IC 3-6-7-1, AS AMENDED BY P.L.230-2005,
 25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2017]: Sec. 1. (a) Each political party or independent
 27 candidate may appoint challengers and pollbook holders for each
 28 precinct in which the political party or independent candidate is on the
 29 ballot.

30 (b) This subsection applies to a public question that is submitted to
 31 the electorate. A county election board may appoint challengers and
 32 pollbook holders if a petition requesting the appointment is filed with
 33 the board. The petition must be signed by:

- 34 (1) the chairman of a political action committee organized under
 35 IC 3-9 to support or oppose the approval of the public question;
 36 and
 37 (2) at least the number of voters equal to two percent (2%) of the
 38 votes cast in the last election for secretary of state in the county.

39 (c) A challenger must be at least eighteen (18) years of age.

40 (d) The county election board, county chairman, other local
 41 chairman of the party, or independent candidate:

- 42 (1) must make the appointments in writing; and



- 1 (2) shall issue one (1) identification card for each person
 2 appointed under this section.
- 3 (e) **Except as provided in subsections (f) and (g)**, each political
 4 party or independent candidate described in subsection (a) or a political
 5 action committee described in subsection (b) may have only one (1)
 6 challenger and one (1) pollbook holder present at each precinct's polls
 7 at any time during election day.
- 8 (f) **If more than one (1) precinct votes at the same polling place,**
 9 **the number of challengers and pollbook holders of each political**
 10 **party or independent candidate described in subsection (a) or a**
 11 **political action committee described in subsection (b) entitled to be**
 12 **present at the polling place equals the number of precincts voting**
 13 **at the polling place.**
- 14 (g) **In a county designated as a vote center county under**
 15 **IC 3-11-18.1, the number of challengers and pollbook holders of**
 16 **each political party or independent candidate described in**
 17 **subsection (a) or a political action committee described in**
 18 **subsection (b) entitled to be present at the vote center is one (1)**
 19 **challenger and one (1) pollbook holder for:**
- 20 (1) each electronic poll book station present at the vote center;
 21 or
 22 (2) the number of electronic poll book stations specified in the
 23 county vote center plan for the vote center;
 24 **whichever is greater.**
- 25 (h) The challenger and pollbook holder present at the polls must
 26 possess an identification card issued under subsection (d).
- 27 (†) (i) The identification card issued under subsection (d) must
 28 clearly state the following:
- 29 (1) The status of the individual as an appointed challenger or
 30 pollbook holder.
- 31 (2) The name of the individual serving as a challenger or pollbook
 32 holder.
- 33 (3) The name of the person who appointed the individual as a
 34 challenger or pollbook holder, and whether the person is a
 35 political party, an independent candidate, or a county election
 36 board.
- 37 (4) If the challenger or pollbook holder has been appointed by a
 38 political party, the name of the political party.
- 39 SECTION 11. IC 3-6-8-1, AS AMENDED BY P.L.194-2013,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2017]: Sec. 1. (a) The state chairman and county chairman of
 42 each bona fide political party or an independent candidate for a federal



1 or a state office are entitled to appoint watchers at each precinct in
2 which the political party or independent candidate is on the ballot.

3 (b) This subsection applies to a public question that is submitted to
4 the electorate. A county election board may appoint watchers if a
5 petition requesting the appointment is filed with the board. The petition
6 must be signed by:

7 (1) the chairman of a political action committee organized under
8 IC 3-9 to support or oppose the approval of the public question;
9 and

10 (2) at least the number of voters equal to two percent (2%) of the
11 votes cast in the last election for secretary of state in the county.

12 (c) Except as provided in ~~subsection~~ **subsections (d), (e), and (f)**,
13 at any time during election day, each political action committee, each
14 political party, or an independent candidate for a federal or a state
15 office may have only one (1) watcher present at each precinct's polls.

16 (d) If both the state chairman and the county chairman of a political
17 party have appointed watchers within the county, the political party
18 may have two (2) watchers present at the polls of each precinct of the
19 county **or at each electronic poll book station** at any time during
20 election day.

21 **(e) If more than one (1) precinct votes at the same polling place,**
22 **the number of watchers of each political party, an independent**
23 **candidate for federal or state office, or each political action**
24 **committee described in subsection (b) entitled to be present at the**
25 **polling place equals the number of precincts voting at the polling**
26 **place.**

27 **(f) In a county designated as a vote center county under**
28 **IC 3-11-18.1, the number of watchers of each political party, an**
29 **independent candidate for federal or state office, or each political**
30 **action committee described in subsection (b) entitled to be present**
31 **at the vote center is one (1) watcher for:**

32 **(1) each electronic poll book station present at the vote center;**
33 **or**

34 **(2) the number of electronic poll book stations specified in the**
35 **county vote center plan for the vote center;**

36 **whichever is greater.**

37 SECTION 12. IC 3-6-9-12 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. (a) Only one (1)
39 watcher representing a candidate or group of candidates may enter or
40 be in the polls for a precinct at the same time, but watchers
41 representing different groups may be in the polls at the same time.

42 **(b) If more than one (1) precinct votes at the same polling place,**



1 the number of watchers of each candidate or group of candidates
 2 entitled to be present at the polling place equals the number of
 3 precincts voting at the polling place.

4 (c) In a county designated as a vote center county under
 5 IC 3-11-18.1, the number of watchers of each candidate or group
 6 of candidates entitled to be present at the vote center is one (1)
 7 watcher for:

8 (1) each electronic poll book station present at the vote center;
 9 or

10 (2) the number of electronic poll book stations specified in the
 11 county vote center plan for the vote center;

12 whichever is greater.

13 SECTION 13. IC 3-6-10-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The following
 15 media may appoint in writing one (1) watcher for each precinct:

16 (1) Each ~~daily, weekly, semiweekly, or triweekly~~ newspaper of
 17 general circulation in the county where an election is held.

18 (2) Each news service operating in the county where an election
 19 is held.

20 (3) Each radio or television station operating in the county where
 21 an election is held.

22 (b) If more than one (1) precinct votes at the same polling place,
 23 the number of watchers for each entity described in subsection (a)
 24 entitled to be present at the polling place equals the number of
 25 precincts voting at the polling place.

26 (c) In a county designated as a vote center county under
 27 IC 3-11-18.1, the number of watchers for each entity described in
 28 subsection (a) entitled to be present at the vote center is one (1)
 29 watcher for:

30 (1) each electronic poll book station present at the vote center;
 31 or

32 (2) the number of electronic poll book stations specified in the
 33 county vote center plan for the vote center;

34 whichever is greater.

35 SECTION 14. IC 3-7-13-10, AS AMENDED BY P.L.219-2013,
 36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2017]: Sec. 10. (a) After a general or municipal election is
 38 conducted, the registration period resumes on the following December
 39 1 (or the first Monday in December if December 1 falls on a Saturday
 40 or Sunday).

41 (b) Except as provided in IC 3-7-36 for absent uniformed services
 42 voters and overseas voters, the registration period continues through



1 the twenty-ninth day before the date a primary election is scheduled
2 under this title.

3 (c) Except as provided in IC 3-7-36 for absent uniformed services
4 voters and overseas voters, the registration period resumes fourteen
5 (14) days after primary election day and continues through the
6 twenty-ninth day before the date a general or municipal election is
7 scheduled under this article.

8 (d) This subsection applies in each precinct in which a special
9 election, **municipal primary election, or municipal election** is to be
10 conducted. Except as provided in IC 3-7-36 for absent uniformed
11 services voters and overseas voters, the registration period ceases in
12 that precinct on the twenty-ninth day before a special election,
13 **municipal primary election, or municipal election** is conducted and
14 resumes fourteen (14) days after the special election, **municipal**
15 **primary election, or municipal election** occurs.

16 SECTION 15. IC 3-7-38.2-5, AS AMENDED BY P.L.169-2015,
17 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2017]: Sec. 5. (a) To assist in performing voter list
19 maintenance under this chapter, the NVRA official shall submit the
20 names of all registered voters in Indiana to the United States Postal
21 Service National Change of Address Service. The submission under
22 this chapter shall be compiled from the county voter registration
23 information submitted to the election division under IC 3-7-26.3.

24 (b) This subsection does not require the NVRA official to request
25 voter registration data from a state listed in this subsection if the
26 NVRA official will be receiving voter registration data from that state
27 under the memorandum of understanding described in subsection (d).
28 To assist in performing voter list maintenance under this chapter, not
29 later than December 31 of each calendar year the NVRA official shall
30 request that the chief state election official who is responsible for the
31 coordination of state responsibilities under NVRA in each of the
32 following states provide a list of the registered voters in that state:

- 33 (1) Florida.
- 34 (2) Illinois.
- 35 (3) Kentucky.
- 36 (4) Michigan.
- 37 (5) Ohio.

38 (c) The NVRA official shall request a list of registered voters from
39 any other state in which the NVRA official determines there is a
40 reasonable possibility that a significant number of individuals who
41 have registered to vote in Indiana may also be registered to vote in that
42 state.



1 (d) The NVRA official shall execute a memorandum of
 2 understanding with the Kansas Secretary of State. Notwithstanding any
 3 limitation under IC 3-7-26.4 regarding the availability of certain
 4 information from the computerized list, on January 15 of each year, the
 5 NVRA official shall provide data from the statewide voter registration
 6 list without cost to the Kansas Secretary of State to permit the
 7 comparison of voter registration data in the statewide voter registration
 8 list with registration data from all other states participating in this
 9 memorandum of understanding and to identify any cases in which a
 10 voter cast a ballot in more than one (1) state during the same election.
 11 Not later than thirty (30) days following the receipt of information
 12 under this subsection indicating that a voter of Indiana may also be
 13 registered to vote in another state, the NVRA official shall provide the
 14 appropriate county voter registration office with the name of and any
 15 other information obtained under this subsection concerning that voter,
 16 if the first name, last name, and date of birth of the Indiana voter is
 17 identical to the first name, last name, and date of birth of the voter
 18 registered in the other state. The county voter registration office shall
 19 determine whether the individual:

- 20 (1) identified in the report provided by the NVRA official under
 21 this subsection is the same individual who is a registered voter of
 22 the county; **and**
 23 (2) registered to vote in another state on a date following the date
 24 that voter registered in Indiana. **and**
 25 ~~(3) authorized the cancellation of any previous registration by the~~
 26 ~~voter when the voter registered in another state.~~

27 (e) If the county voter registration office determines that the voter
 28 is described by subsection ~~(d)(1) through (d)(3); (d)~~, the county voter
 29 registration office shall cancel the voter registration of that voter. ~~If the~~
 30 ~~county voter registration office determines that the voter is described~~
 31 ~~by subsection (d)(1) and (d)(2); but has not authorized the cancellation~~
 32 ~~of any previous registration; the county voter registration office shall~~
 33 ~~send an address confirmation notice to the Indiana address of the voter.~~

34 SECTION 16. IC 3-7-38.2-17, AS AMENDED BY P.L.64-2014,
 35 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2017]: Sec. 17. (a) If the mailing to a voter sent under section
 37 16 of this chapter is returned by the United States Postal Service
 38 because of an unknown or insufficient address, the NVRA official shall
 39 mail a second notice to the voter. The notice must meet the following
 40 requirements:

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



- 1 (2) Include a postage prepaid return card that:
 2 (A) is addressed to the NVRA official;
 3 (B) states a date (which must be at least thirty (30) days after
 4 the date the notice was mailed) by which the card must be
 5 returned or the voter's registration will become inactive until
 6 the information is provided to the county voter registration
 7 office; and
 8 (C) permits the voter to provide the voter's current residence
 9 address.
- 10 (b) If a voter returns the card described in subsection (a)(2) and
 11 provides a current residence address that establishes that the voter
 12 resides:
- 13 (1) in the same county, the county voter registration office shall
 14 update the voter's registration record; or
 15 (2) outside the county, the county voter registration office shall
 16 cancel the voter's registration.
- 17 ~~(c) If a voter returns the card described in subsection (a)(2) after the~~
 18 ~~final day for completing voter list maintenance activities under section~~
 19 ~~3 of this chapter, the county voter registration office shall, when the~~
 20 ~~registration reopens after the next primary, general, or municipal~~
 21 ~~election following the date specified in the notice, process any updates~~
 22 ~~or cancellation of the voter registration record indicated on the card by~~
 23 ~~the voter under subsection (b):~~
- 24 ~~(d) (c) If a voter returns the card described in subsection (a)(2)~~
 25 ~~during the period described in subsection (c) with a request that the~~
 26 ~~voter's registration record at an address be canceled, the county voter~~
 27 ~~registration office shall proceed to cancel the registration under section~~
 28 ~~3 of this chapter.~~
- 29 ~~(e) (d) If a card is returned not later than the date specified in~~
 30 ~~subsection (a)(2)(B) as undeliverable because of an unknown or~~
 31 ~~insufficient address, the county voter registration office shall designate~~
 32 ~~the voter as inactive.~~
- 33 ~~(f) (e) If a card is returned by the United States Postal Service~~
 34 ~~after the date specified in subsection (a)(2)(B) as undeliverable because~~
 35 ~~of an unknown or insufficient address, the county voter registration~~
 36 ~~office shall, when registration reopens after the next primary, general,~~
 37 ~~or municipal election, determine whether the voter voted or appeared~~
 38 ~~to vote from the address set forth in the registration record at any~~
 39 ~~election occurring after the final day for completing voter list~~
 40 ~~maintenance activities, and if not, designate the voter as inactive.~~
- 41 ~~(g) (f) If a voter does not return the card described in subsection~~
 42 ~~(a)(2) by the date specified in subsection (a)(2)(B), the county voter~~



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

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

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

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

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

16 SECTION 17. IC 3-7-39-6, AS AMENDED BY P.L.169-2015,
17 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2017]: Sec. 6. (a) A voter who has changed residence from the
19 county in which the voter is registered to another county must give the
20 voter's most recent previous address, listed on a form prescribed under
21 this article.

22 (b) Completion of the form constitutes an authorization of
23 cancellation of registration in each county of previous residence listed
24 on the form. ~~At the time of registering, the voter must sign the~~
25 ~~authorization to cancel the previous registration.~~

26 (c) This subsection applies to a county that has adopted an order
27 under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1-1. A
28 voter described in subsection (a) may make a written affirmation of the
29 voter's change of residence on election day using the affidavit
30 described by IC 3-10-11-4. If the voter makes an oral affirmation under
31 this subsection, the poll clerks shall reduce the substance of the
32 affirmation to writing using the affidavit described by IC 3-10-11-4 and
33 initial the affirmation.

34 SECTION 18. IC 3-7-46-6 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) Not later than:

36 (1) January 31;

37 (2) April 30;

38 (3) July 31; and

39 (4) October 31;

40 of each year, a county sheriff shall provide the county voter registration
41 office with a report containing the information set forth in subsection
42 (b) for processing under section 8 of this chapter.

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1 (b) The ~~list~~ **report** required by subsection (a) must identify each
2 person who:

3 (1) is a resident of Indiana;

4 (2) has been convicted of a crime; and

5 (3) has been placed in a county correctional facility ~~during the~~
6 ~~previous quarter.~~ **after the last date the sheriff prepared a**
7 **report required by subsection (a).**

8 (c) **The report must be in the form prescribed by the election**
9 **division under IC 3-5-4-8 and state:**

10 (1) **whether the person remains in lawful custody in a county**
11 **correctional facility as of the date of the report; and**

12 (2) **if the person remains in lawful custody, the date that the**
13 **person is scheduled to be released from the county**
14 **correctional facility.**

15 SECTION 19. IC 3-8-1-2, AS AMENDED BY P.L.169-2015,
16 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2017]: Sec. 2. (a) **This section does not apply to a candidate**
18 **challenged under IC 3-8-8.**

19 (a) (b) The commission, a county election board, or a town election
20 board shall act if a candidate (or a person acting on behalf of a
21 candidate in accordance with state law) has filed any of the following:

22 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.

23 (2) A request for ballot placement in a presidential primary under
24 IC 3-8-3.

25 (3) A petition of nomination or candidate's consent to nomination
26 under IC 3-8-2.5 or IC 3-8-6.

27 (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,
28 IC 3-10-2-15, or IC 3-10-6-12.

29 (5) A certificate of candidate selection under IC 3-13-1 or
30 IC 3-13-2.

31 (6) A declaration of intent to be a write-in candidate under
32 IC 3-8-2-2.5.

33 (7) A contest to the denial of certification under IC 3-8-2.5 or
34 IC 3-8-6-12.

35 (b) (c) The commission has jurisdiction to act under this section
36 with regard to any filing described in subsection (a) (b) that was made
37 with the election division. Except for a filing under the jurisdiction of
38 a town election board, a county election board has jurisdiction to act
39 under this section with regard to any filing described in subsection (a)
40 (b) that was made with the county election board, county voter
41 registration office, or the circuit court clerk. A town election board has
42 jurisdiction to act under this section with regard to any filing that was



1 made with the county election board, the county voter registration
 2 office, or the circuit court clerk for nomination or election to a town
 3 office.

4 ~~(e)~~ **(d)** Except as provided in subsection ~~(e)~~; **(f)**, before the
 5 commission or election board acts under this section, a registered voter
 6 of the election district that a candidate seeks to represent or a county
 7 chairman of a major political party of a county in which any part of the
 8 election district is located must file a sworn statement with the election
 9 division or election board:

- 10 (1) questioning the eligibility of the candidate to seek the office;
- 11 and
- 12 (2) setting forth the facts known to the voter or county chairman
 13 of a major political party of a county concerning this question.

14 ~~(d)~~ **(e)** The eligibility of a write-in candidate or a candidate
 15 nominated by a convention, petition, or primary may not be challenged
 16 under this section if the commission or board determines that all of the
 17 following occurred:

- 18 (1) The eligibility of the candidate was challenged under this
 19 section before the candidate was nominated.
- 20 (2) The commission or board conducted a hearing on the affidavit
 21 before the nomination.
- 22 (3) This challenge would be based on substantially the same
 23 grounds as the previous challenge to the candidate.

24 ~~(e)~~ **(f)** Before the commission or election board can consider a
 25 contest to the denial of a certification under IC 3-8-2.5 or IC 3-8-6-12,
 26 a candidate (or a person acting on behalf of a candidate in accordance
 27 with state law) must file a sworn statement with the election division
 28 or election board:

- 29 (1) stating specifically the basis for the contest; and
- 30 (2) setting forth the facts known to the candidate supporting the
 31 basis for the contest.

32 ~~(f)~~ **(g)** Upon the filing of a sworn statement under subsection ~~(e)~~ **(d)**
 33 or ~~(e)~~; **(f)**, the commission or election board shall determine the validity
 34 of the questioned:

- 35 (1) declaration of candidacy;
- 36 (2) declaration of intent to be a write-in candidate;
- 37 (3) request for ballot placement under IC 3-8-3;
- 38 (4) petition of nomination;
- 39 (5) certificate of nomination;
- 40 (6) certificate of candidate selection issued under IC 3-13-1-15 or
 41 IC 3-13-2-8; or
- 42 (7) denial of a certification under IC 3-8-2.5 or IC 3-8-6-12.



1 ~~(g)~~ **(h)** The commission or election board shall deny a filing if the
 2 commission or election board determines that the candidate has not
 3 complied with the applicable requirements for the candidate set forth
 4 in the Constitution of the United States, the Constitution of the State of
 5 Indiana, or this title.

6 SECTION 20. IC 3-8-1-5, AS AMENDED BY P.L.181-2014,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2017]: Sec. 5. (a) This section does not apply to a candidate
 9 for federal office.

10 (b) As used in this section, "felony" means a conviction in any
 11 jurisdiction for which the convicted person might have been
 12 imprisoned for more than one (1) year. ~~However, the term does not~~
 13 ~~include a conviction:~~

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

15 (1) **a felony conviction** for which the person has been pardoned;

16 or

17 (2) **a felony conviction** that has been:

18 (A) reversed;

19 (B) vacated;

20 (C) set aside;

21 (D) not entered because the trial court did not accept the
 22 person's guilty plea; or

23 (E) expunged under IC 35-38-9; or

24 **(3) a person's plea of guilty or nolo contendere at a guilty plea**
 25 **hearing that is not accepted and entered by a trial court.**

26 ~~(e)~~ **(d)** A person is disqualified from assuming or being a candidate
 27 for an elected office if:

28 (1) the person gave or offered a bribe, threat, or reward to procure
 29 the person's election, as provided in Article 2, Section 6 of the
 30 Constitution of the State of Indiana;

31 (2) the person does not comply with IC 5-8-3 because of a
 32 conviction for a violation of the federal laws listed in that statute;

33 (3) in a:

34 (A) jury trial, a jury publicly announces a verdict against the
 35 person for a felony;

36 (B) bench trial, the court publicly announces a verdict against
 37 the person for a felony; or

38 (C) guilty plea hearing, the person pleads guilty or nolo
 39 contendere to a felony;

40 (4) the person has been removed from the office the candidate
 41 seeks under Article 7, Section 11 or Article 7, Section 13 of the
 42 Constitution of the State of Indiana;



- 1 (5) the person is a member of the United States armed forces on
- 2 active duty and prohibited by the United States Department of
- 3 Defense from being a candidate; or
- 4 (6) the person is subject to:
 - 5 (A) 5 U.S.C. 1502 (the Little Hatch Act); or
 - 6 (B) 5 U.S.C. 7321-7326 (the Hatch Act);
 and would violate either federal statute by becoming or remaining
 - 7 the candidate of a political party for nomination or election to an
 - 8 elected office or a political party office.
- 9
- 10 ~~(d)~~ (e) The subsequent reduction of a felony to a Class A
- 11 misdemeanor under ~~IC 35-50-2-7~~ or ~~IC 35-38-1-1.5~~ **IC 35** after the:
 - 12 (1) jury has announced its verdict against the person for a felony;
 - 13 (2) court has announced its verdict against the person for a felony;
 - 14 or
 - 15 (3) person has pleaded guilty or nolo contendere to a felony;
 does not affect the operation of subsection ~~(e)~~: **(d)**.
- 16 SECTION 21. IC 3-8-2-2.5, AS AMENDED BY P.L.169-2015,
- 17 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2017]: Sec. 2.5. (a) A person who desires to be a write-in
- 19 candidate for a federal, state, legislative, or local office or school board
- 20 office in a general, municipal, or school board election must file a
- 21 declaration of intent to be a write-in candidate with the officer with
- 22 whom declaration of candidacy must be filed under sections 5 and 6 of
- 23 this chapter.
- 24
- 25 (b) The declaration of intent to be a write-in candidate required
- 26 under subsection (a) must be signed before a person authorized to
- 27 administer oaths and must certify the following information:
 - 28 (1) The candidate's name must be printed or typewritten as:
 - 29 (A) the candidate wants the candidate's name to be certified;
 - 30 and
 - 31 (B) the candidate's name is permitted to appear under IC 3-5-7.
 - 32 (2) A statement that the candidate is a registered voter and the
 - 33 location of the candidate's precinct and township (or ward, **if**
 - 34 **applicable**, and city or town), county, and state.
 - 35 (3) The candidate's complete residence address, and if the
 - 36 candidate's mailing address is different from the residence
 - 37 address, the mailing address.
 - 38 (4) The candidate's party affiliation or a statement that the
 - 39 candidate is an independent candidate (not affiliated with any
 - 40 party). The candidate may not claim affiliation with any political
 - 41 party described by IC 3-8-4-1.
 - 42 (5) A statement of the candidate's intention to be a write-in



- 1 candidate, the name of the office, including the district, and the
 2 date and type of election.
- 3 (6) If the candidate is a candidate for the office of President or
 4 Vice President of the United States, a statement declaring the
 5 names of the individuals who have consented and are eligible to
 6 be the candidate's candidates for presidential electors.
- 7 (7) The following statements:
- 8 (A) A statement that the candidate has attached either of the
 9 following to the declaration:
- 10 (i) A copy of a statement of economic interests, file stamped
 11 by the office required to receive the statement of economic
 12 interests.
- 13 (ii) A receipt or photocopy of a receipt showing that a
 14 statement of economic interests has been filed.
- 15 This requirement does not apply to a candidate for a federal
 16 office.
- 17 (B) A statement that the candidate understands that if the
 18 candidate is elected to the office, the candidate may be
 19 required to obtain and file an individual surety bond before
 20 serving in the office. This requirement does not apply to a
 21 candidate for a federal office or legislative office.
- 22 (C) A statement that the candidate understands that if the
 23 candidate is elected to the office, the candidate may be
 24 required to successfully complete training or have attained
 25 certification related to service in an elected office. This
 26 requirement does not apply to a candidate for a federal office,
 27 state office, or legislative office.
- 28 (D) A statement that the candidate:
- 29 (i) is aware of the provisions of IC 3-9 regarding campaign
 30 finance and the reporting of campaign contributions and
 31 expenditures; and
- 32 (ii) agrees to comply with the provisions of IC 3-9.
- 33 This requirement does not apply to a candidate for a federal
 34 office.
- 35 The candidate must separately initial each of the statements
 36 required by this subdivision.
- 37 (8) A statement as to whether the candidate has:
- 38 (A) been a candidate for state, **legislative**, or local office in a
 39 previous primary or general election; and
- 40 (B) filed all reports required by IC 3-9-5-10 for all previous
 41 candidacies.
- 42 (9) If the candidate is subject to IC 3-9-1-5, a statement that the



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

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

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

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

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

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

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

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

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

30 (f) A write-in candidate for the office of President or Vice President
 31 of the United States must list at least one (1) candidate for presidential
 32 elector and may not list more than the total number of presidential
 33 electors to be chosen in Indiana.

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

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

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

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



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

10 SECTION 22. IC 3-8-2-7, AS AMENDED BY P.L.169-2015,
 11 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2017]: Sec. 7. (a) The declaration of each candidate required
 13 by this chapter must be signed before a person authorized to administer
 14 oaths and contain the following information:

15 (1) The candidate's name, printed or typewritten as:

16 (A) the candidate wants the candidate's name to appear on the
 17 ballot; and

18 (B) the candidate's name is permitted to appear on the ballot
 19 under IC 3-5-7.

20 (2) A statement that the candidate is a registered voter and the
 21 location of the candidate's precinct and township (or ward, **if**
 22 **applicable**, and city or town), county, and state.

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

26 (4) A statement of the candidate's party affiliation. For purposes
 27 of this subdivision, a candidate is considered to be affiliated with
 28 a political party only if any of the following applies:

29 (A) The most recent primary election in Indiana in which the
 30 candidate voted was a primary election held by the party with
 31 which the candidate claims affiliation.

32 (B) The county chairman of:

33 (i) the political party with which the candidate claims
 34 affiliation; and

35 (ii) the county in which the candidate resides;

36 certifies that the candidate is a member of the political party.

37 The declaration of candidacy must inform candidates how party
 38 affiliation is determined under this subdivision and permit the
 39 candidate to indicate on the declaration of candidacy which of
 40 clauses (A) or (B) applies to the candidate. If a candidate claims
 41 party affiliation under clause (B), the candidate must attach to the
 42 candidate's declaration of candidacy the written certification of



- 1 the county chairman required by clause (B).
 2 (5) A statement that the candidate complies with all requirements
 3 under the laws of Indiana to be a candidate for the above named
 4 office, including any applicable residency requirements, and that
 5 the candidate is not ineligible to be a candidate due to a criminal
 6 conviction that would prohibit the candidate from serving in the
 7 office.
 8 (6) A request that the candidate's name be placed on the official
 9 primary ballot of that party to be voted on, the office for which the
 10 candidate is declaring, and the date of the primary election.
 11 (7) The following statements:
 12 (A) A statement that the candidate has attached either of the
 13 following to the declaration:
 14 (i) A copy of a statement of economic interests, file stamped
 15 by the office required to receive the statement of economic
 16 interests.
 17 (ii) A receipt or photocopy of a receipt showing that a
 18 statement of economic interests has been filed.
 19 This requirement does not apply to a candidate for a federal
 20 office.
 21 (B) A statement that the candidate understands that if the
 22 candidate is elected to the office, the candidate may be
 23 required to obtain and file an individual surety bond before
 24 serving in the office. This requirement does not apply to a
 25 candidate for a federal office or legislative office.
 26 (C) A statement that the candidate understands that if the
 27 candidate is elected to the office, the candidate may be
 28 required to successfully complete training or have attained
 29 certification related to service in an elected office. This
 30 requirement does not apply to a candidate for a federal office,
 31 state office, or legislative office.
 32 (D) A statement that the candidate:
 33 (i) is aware of the provisions of IC 3-9 regarding campaign
 34 finance and the reporting of campaign contributions and
 35 expenditures; and
 36 (ii) agrees to comply with the provisions of IC 3-9.
 37 This requirement does not apply to a candidate for a federal
 38 office.
 39 The candidate must separately initial each of the statements
 40 required by this subdivision.
 41 (8) A statement as to whether the candidate has been a candidate
 42 for state, legislative, or local office in a previous primary,



- 1 municipal, special, or general election and whether the candidate
 2 has filed all reports required by IC 3-9-5-10 for all previous
 3 candidacies.
- 4 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 5 candidate has filed a campaign finance statement of organization
 6 for the candidate's principal committee or is aware that the
 7 candidate may be required to file a campaign finance statement of
 8 organization not later than noon seven (7) days after the final date
 9 to file the declaration of candidacy under section ~~4~~ 4 of this
 10 chapter.
- 11 (10) The candidate's signature.
- 12 (b) The election division shall provide that the form of a declaration
 13 of candidacy includes the following information:
- 14 (1) The dates for filing campaign finance reports under IC 3-9.
 15 (2) The penalties for late filing of campaign finance reports under
 16 IC 3-9.
- 17 (c) A declaration of candidacy must include a statement that the
 18 candidate requests the name on the candidate's voter registration record
 19 be the same as the name the candidate uses on the declaration of
 20 candidacy. If there is a difference between the name on the candidate's
 21 declaration of candidacy and the name on the candidate's voter
 22 registration record, the officer with whom the declaration of candidacy
 23 is filed shall forward the information to the voter registration officer of
 24 the appropriate county as required by IC 3-5-7-6(e). The voter
 25 registration officer of the appropriate county shall change the name on
 26 the candidate's voter registration record to be the same as the name on
 27 the candidate's declaration of candidacy.
- 28 SECTION 23. IC 3-8-2-11, AS AMENDED BY P.L.123-2015,
 29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2017]: Sec. 11. (a) A declaration of candidacy may be made
 31 by mail and is considered filed as of the date and hour the filing occurs
 32 in the manner described by IC 3-5-2-24.5 in the office of the election
 33 division or circuit court clerk.
- 34 ~~(b) A declaration is not valid unless filed in the office of the election~~
 35 ~~division or circuit court clerk by noon on the seventy-fourth day before~~
 36 ~~a primary election.~~
- 37 ~~(c)~~ (b) This subsection applies to a candidate required to file a
 38 statement of economic interests under IC 2-2.2-2 or IC 33-23-11-15 or
 39 a financial disclosure statement under IC 4-2-6-8. This subsection does
 40 not apply to a candidate for a local office or school board office
 41 required to file a statement of economic interests under IC 3-8-9. The
 42 election division shall require the candidate to produce a:



1 (1) copy of the statement, file stamped by the office required to
2 receive the statement of economic interests; or

3 (2) receipt or photocopy of a receipt showing that the statement
4 has been filed;

5 before the election division accepts the declaration for filing. The
6 election division shall reject a filing that does not comply with this
7 subsection.

8 ~~(d)~~ (c) This subsection applies to a candidate for a local office or
9 school board office required to file a statement of economic interests
10 under IC 3-8-9. The circuit court clerk shall reject a declaration of
11 candidacy that does not include a statement of economic interests.

12 SECTION 24. IC 3-8-2-14, AS AMENDED BY P.L.225-2011,
13 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2017]: Sec. 14. (a) All questions concerning the validity of a
15 declaration filed with the secretary of state shall be referred to and
16 determined by the commission in accordance with section 18 of this
17 chapter. A statement questioning the validity of a declaration must be
18 filed with the election division under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not
19 later than noon eighty-one (81) days before the date of the primary
20 election.

21 (b) All questions concerning the validity of a declaration of
22 candidacy filed with a circuit court clerk shall be referred to and
23 determined by the county election board not later than noon sixty-eight
24 (68) days before the date of the primary election. A statement
25 questioning the validity of a declaration must be filed with the county
26 election board under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not later than noon
27 eighty-one (81) days before the date of the primary election.

28 (c) A question concerning the validity of a declaration of intent to
29 be a write-in candidate shall be determined by the commission or the
30 county election board not later than noon eighty-one (81) days before
31 election day. A statement questioning the validity of a declaration of
32 intent to be a write-in candidate must be filed with the election division
33 or county election board under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not later
34 than noon eighty-eight (88) days before election day.

35 SECTION 25. IC 3-8-5-2 IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A candidate for a town office
37 may be nominated **by a major political party** using any of the
38 following methods:

39 (1) By convention conducted under this chapter.

40 (2) By a primary election, **if the town legislative body adopts an**
41 **ordinance under subsection (d).**

42 ~~(3) By petition filed under IC 3-8-6.~~



1 ~~(4)~~ **(3)** If a town convention or a primary election is not required
 2 under section 10 of this chapter for the political party of which the
 3 candidate is a member, by the candidate's declaration of
 4 candidacy.

5 (b) Unless a town legislative body adopts an ordinance under
 6 subsection ~~(c)~~; **(d)**, a town shall use the convention method described
 7 in this chapter to nominate **major political party** candidates for town
 8 offices.

9 (c) ~~The town legislative body of a town covered by this chapter may~~
 10 ~~adopt an ordinance to specify any other method described in subsection~~
 11 ~~(a) to nominate candidates for town offices. A candidate may also be~~
 12 **nominated for a town office by:**

13 **(1) a declaration of write-in candidacy under IC 3-8-2-4;**

14 **(2) a town convention of a political party described in section**
 15 **17 of this chapter; or**

16 **(3) a petition under IC 3-8-6.**

17 (d) The town legislative body ~~must~~ **may** adopt an ordinance ~~under~~
 18 ~~subsection (e)~~ not later than January 1 of the year in which a municipal
 19 election is held **to establish a primary election for the nomination**
 20 **of major political party candidates.** The town clerk-treasurer shall
 21 send a copy of the ordinance to the circuit court clerk of the county that
 22 contains the greatest percentage of the town's population.

23 (e) If a town described by section 1 of this chapter adopts an
 24 ordinance under subsection ~~(c)~~ **(d)** to nominate **major political party**
 25 candidates by a primary election, the following apply:

26 (1) The county election board of the county that contains the
 27 greatest percentage of the town's population shall conduct the
 28 primary election for the town.

29 (2) All statutes governing primary elections for towns apply.

30 (3) The town may not change the method of nominating
 31 candidates for town offices more than one (1) time in any twelve
 32 (12) year period.

33 SECTION 26. IC 3-8-5-10.5, AS AMENDED BY P.L.169-2015,
 34 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2017]: Sec. 10.5. (a) A person who desires to be nominated
 36 for a town office by a major political party must file a declaration of
 37 candidacy with the circuit court clerk of the county containing the
 38 greatest percentage of population of the town.

39 (b) A declaration of candidacy must be filed:

40 (1) not earlier than the first date that a declaration of candidacy
 41 for a primary election may be filed under IC 3-8-2-4; and

42 (2) not later than:



- 1 (A) noon August 1 before a municipal election if the town
 2 nominates its candidates by convention; and
 3 (B) the date that a declaration of candidacy must be filed under
 4 IC 3-8-2-4 if the town nominates its candidates by a primary
 5 election.
- 6 (c) The declaration must be subscribed and sworn to (or affirmed)
 7 before a notary public or other person authorized to administer oaths.
- 8 (d) The declaration of each candidate required by this section must
 9 certify the following information:
- 10 (1) The candidate's name, printed or typewritten as:
- 11 (A) the candidate wants the candidate's name to appear on the
 12 ballot; and
 13 (B) the candidate's name is permitted to appear on the ballot
 14 under IC 3-5-7.
- 15 (2) That the candidate is a registered voter and the location of the
 16 candidate's precinct and township (or the ward, **if applicable**, and
 17 town), county, and state.
- 18 (3) The candidate's complete residence address and the
 19 candidate's mailing address if the mailing address is different
 20 from the residence address.
- 21 (4) The candidate's party affiliation and the office to which the
 22 candidate seeks nomination, including the district designation if
 23 the candidate is seeking a town legislative body seat. **For**
 24 **purposes of this subdivision, a candidate is considered to be**
 25 **affiliated with a political party only if one (1) of the following**
 26 **applies:**
- 27 (A) **The most recent primary election in Indiana in which**
 28 **the candidate voted was a primary election held by the**
 29 **party with which the candidate claims affiliation.**
- 30 (B) **The county chairman of:**
- 31 (i) **the political party with which the candidate claims**
 32 **affiliation; and**
- 33 (ii) **the county in which the candidate resides;**
 34 **certifies in writing that the candidate is a member of the**
 35 **political party.**
- 36 **The declaration of candidacy must inform a candidate how**
 37 **party affiliation is determined under this subdivision and**
 38 **permit the candidate to indicate on the declaration of**
 39 **candidacy whether clause (A) or (B) applies to the candidate.**
 40 **If a candidate claims party affiliation under clause (B), the**
 41 **candidate must attach to the candidate's declaration of**
 42 **candidacy the written certification of the county chairman**



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



- 1 clerk's office.
 2 (3) File a copy of each declaration of candidacy with the town
 3 clerk-treasurer.
 4 (f) A person who files a declaration of candidacy for an elected
 5 office for which a per diem or salary is provided for by law is
 6 disqualified from filing a declaration of candidacy for another office for
 7 which a per diem or salary is provided for by law until the original
 8 declaration is withdrawn.
 9 (g) A person who files a declaration of candidacy for an elected
 10 office may not file a declaration of candidacy for that office in the same
 11 year as a member of a different political party until the original
 12 declaration is withdrawn.
 13 (h) A person who files a declaration of candidacy under this section
 14 may file a written notice withdrawing the person's declaration of
 15 candidacy in the same manner as the original declaration was filed, if
 16 the notice of withdrawal is filed not later than:
 17 (1) noon August 1 before the municipal election if the town
 18 nominates its candidates by convention; and
 19 (2) the date that a declaration of candidacy may be withdrawn
 20 under IC 3-8-2-20 if the town nominates its candidates in a
 21 primary election.
 22 (i) A declaration of candidacy must include a statement that the
 23 candidate requests the name on the candidate's voter registration record
 24 be the same as the name the candidate uses on the declaration of
 25 candidacy. If there is a difference between the name on the candidate's
 26 declaration of candidacy and the name on the candidate's voter
 27 registration record, the officer with whom the declaration of candidacy
 28 is filed shall forward the information to the voter registration officer of
 29 the appropriate county as required by IC 3-5-7-6(e). The voter
 30 registration officer of the appropriate county shall change the name on
 31 the candidate's voter registration record to be the same as the name on
 32 the candidate's declaration of candidacy.
 33 SECTION 27. IC 3-8-5-12, AS AMENDED BY P.L.230-2005,
 34 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2017]: Sec. 12. (a) The town chairman and secretary of each
 36 town political party committee shall act as chairman and secretary of
 37 their respective conventions.
 38 (b) As the first item of convention business, the town chairman shall
 39 make the initial determination regarding which individuals are eligible
 40 to vote in the town convention under section 11 of this chapter. If an
 41 individual objects to the determination of the chairman, the matter shall
 42 be put to the vote of all those individuals whose eligibility to vote is not



- 1 in dispute.
- 2 (c) As the second item of convention business, the town chairman
3 shall submit copies of proposed rules to the members of the convention
4 for adoption. The rules must provide for at least the following:
- 5 (1) The voting method to be used for nominating candidates at the
6 convention.
- 7 (2) The method to be used for resolving tie votes.
- 8 (3) Any method for removing candidates from consideration by
9 the convention if no candidate receives a majority vote from all
10 voters casting a ballot at the convention.
- 11 (4) The rights of nonvoting observers, media, candidate watchers,
12 or others attending the convention.
- 13 (d) If the town chairman of the political party committee is unable
14 or unwilling to act as chairman of the convention, the secretary acts as
15 chairman until the convention elects a chairman of the convention from
16 among the voters attending the convention. If the town secretary of the
17 political party committee is unable or unwilling to act as secretary of
18 the convention, the convention shall elect a secretary of the convention
19 from among the voters attending the convention.
- 20 (e) After adoption of the convention rules, the convention may
21 proceed to vote on the candidates to be nominated. The candidates for
22 town offices must be nominated by a majority of the voters present and
23 voting. **If more than one (1) person may be elected to an at-large
24 town council seat, the convention shall determine the total votes
25 received by each candidate for an at-large town council seat. The
26 candidates who receive the highest number of votes, up to the total
27 number to be elected, are the nominees of the convention.**
- 28 (f) The town convention may recess and reconvene if a majority of
29 eligible voters at the convention adopt a motion to recess and
30 reconvene. The motion must state the date, time, and location of the
31 reconvening of the convention. However, a convention may not
32 reconvene on a date following the final date permitted for a convention
33 to be convened under section 10 of this chapter.
- 34 SECTION 28. IC 3-8-6-10, AS AMENDED BY P.L.225-2011,
35 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2017]: Sec. 10. (a) Except as provided in section 11 of this
37 chapter, a petition of nomination must be submitted to the county voter
38 registration office of each county in which the election district is
39 located.
- 40 (b) The petition must be filed during the period beginning on the
41 first date that a declaration of candidacy for a primary election may be
42 filed under IC 3-8-2-4 in the year in which the election will be held and



1 ending at noon June 30 before the election.

2 (c) The county voter registration office shall certify and file a
3 petition that complies with the requirements of this chapter with the
4 public official authorized to place names on the ballot (and with the
5 town clerk-treasurer, if the petition of nomination is for a town office)
6 not later than noon July 15.

7 **(d) This subsection applies to a county in which the county voter**
8 **registration office is a board of registration established under**
9 **IC 3-7-12. A candidate for a local office is not required to file the**
10 **candidate's written consent to become a candidate with the circuit**
11 **court clerk until the petition of nomination for the candidate is**
12 **filed in accordance with section 12 of this chapter.**

13 (e) Following certification of a petition under this section, the office
14 may, upon the request of a candidate named in the petition, return the
15 original petition to the candidate for filing with the appropriate official
16 in accordance with this subsection. **The candidate must file the**
17 **certified petition with the appropriate official not later than noon**
18 **July 15.**

19 (†) (f) During a year in which a federal decennial census, federal
20 special census, special tabulation, or corrected population count
21 becomes effective under IC 1-1-3.5, a petition of nomination may be
22 filed for an office that will appear on the primary election ballot that
23 year as a result of the new tabulation of population or corrected
24 population count.

25 SECTION 29. IC 3-8-6-12, AS AMENDED BY P.L.169-2015,
26 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2017]: Sec. 12. (a) A petition of nomination for an office filed
28 under section 10 of this chapter must be filed with and, except as
29 provided in subsection (d), certified by the person with whom a
30 declaration of candidacy must be filed under IC 3-8-2.

31 (b) The **certified** petition of nomination must be accompanied by
32 the following:

33 (1) The candidate's written consent to become a candidate.

34 (2) The following statements:

35 (A) A statement that the candidate has attached either of the
36 following to the petition:

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

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

42 This requirement does not apply to a candidate for a federal



- 1 office.
- 2 (B) A statement that the candidate understands that if the
- 3 candidate is elected to the office, the candidate may be
- 4 required to obtain and file an individual surety bond before
- 5 serving in the office. This requirement does not apply to a
- 6 candidate for a federal office or legislative office.
- 7 (C) A statement that the candidate understands that if the
- 8 candidate is elected to the office, the candidate may be
- 9 required to successfully complete training or have attained
- 10 certification related to service in an elected office. This
- 11 requirement does not apply to a candidate for a federal office,
- 12 state office, or legislative office.
- 13 (D) A statement that the candidate:
- 14 (i) is aware of the provisions of IC 3-9 regarding campaign
- 15 finance and the reporting of campaign contributions and
- 16 expenditures; and
- 17 (ii) agrees to comply with the provisions of IC 3-9.
- 18 This requirement does not apply to a candidate for a federal
- 19 office.
- 20 The candidate must separately initial each of the statements
- 21 required by this subdivision.
- 22 (3) If the candidate is subject to IC 3-9-1-5, a statement by the
- 23 candidate that the candidate has filed a campaign finance
- 24 statement of organization under IC 3-9-1-5 or is aware that the
- 25 candidate may be required to file a campaign finance statement of
- 26 organization not later than noon seven (7) days after the final date
- 27 for filing a petition for nomination under section 10 of this
- 28 chapter.
- 29 (4) If the candidate is subject to IC 3-9-1-5.5, a statement by the
- 30 candidate that the candidate is aware of the requirement to file a
- 31 campaign finance statement of organization under IC 3-9 after the
- 32 first of either of the following occurs:
- 33 (A) The candidate receives more than five hundred dollars
- 34 (\$500) in contributions.
- 35 (B) The candidate makes more than five hundred dollars
- 36 (\$500) in expenditures.
- 37 (5) A statement indicating whether or not each candidate:
- 38 (A) has been a candidate for state or local office in a previous
- 39 primary or general election; and
- 40 (B) has filed all reports required by IC 3-9-5-10 for all
- 41 previous candidacies.
- 42 (6) A statement that each candidate is legally qualified to hold the



- 1 office that the candidate seeks, including any applicable residency
 2 requirements and restrictions on service due to a criminal
 3 conviction.
- 4 (7) If the petition is filed with the secretary of state for an office
 5 not elected by the electorate of the whole state, a statement signed
 6 by the circuit court clerk of each county in the election district of
 7 the office sought by the individual.
- 8 (8) Any statement of economic interests required under
 9 IC 3-8-1-33.
- 10 (c) The statement required under subsection (b)(7) must:
- 11 (1) be certified by each circuit court clerk; and
- 12 (2) indicate the number of votes cast for secretary of state:
- 13 (A) at the last election for secretary of state; and
- 14 (B) in the part of the county included in the election district of
 15 the office sought by the individual filing the petition.
- 16 (d) The person with whom the petition of nomination must be filed
 17 under subsection (a) shall:
- 18 (1) determine whether a sufficient number of signatures as
 19 required by section 3 of this chapter have been obtained; and
- 20 (2) do one (1) of the following:
- 21 (A) If the petition includes a sufficient number of signatures,
 22 certify the petition.
- 23 (B) If the petition has an insufficient number of signatures,
 24 deny the certification.
- 25 (e) The secretary of state shall, by noon on the date specified under
 26 IC 3-8-7-16 for the certification of candidates and public questions by
 27 the election division:
- 28 (1) certify; or
- 29 (2) deny certification under subsection (d) to;
- 30 each petition of nomination filed in the secretary of state's office to the
 31 appropriate county.
- 32 (f) The election division shall provide that the form of a petition of
 33 nomination includes the following information:
- 34 (1) The dates for filing campaign finance reports under IC 3-9.
- 35 (2) The penalties for late filing of campaign finance reports under
 36 IC 3-9.
- 37 (g) A candidate's consent to become a candidate must include a
 38 statement that the candidate requests the name on the candidate's voter
 39 registration record be the same as the name the candidate uses on the
 40 consent to become a candidate. If there is a difference between the
 41 name on the candidate's consent to become a candidate and the name
 42 on the candidate's voter registration record, the officer with whom the



1 consent to become a candidate is filed shall forward the information to
 2 the voter registration officer of the appropriate county as required by
 3 IC 3-5-7-6(e). The voter registration officer of the appropriate county
 4 shall change the name on the candidate's voter registration record to be
 5 the same as the name on the candidate's consent to become a candidate.

6 (h) If the person with whom the petition was filed denies
 7 certification under subsection (d), the person shall notify the candidate
 8 immediately by certified mail.

9 (i) A candidate may contest the denial of certification under
 10 subsection (d) based on:

11 (1) the ~~circuit court clerk's or board of registration's~~ **county voter**
 12 **registration office's** failure to certify, under section 8 of this
 13 chapter, qualified petitioners; or

14 (2) the determination described in subsection (d)(1);

15 using the procedure in IC 3-8-1-2 and section 14 of this chapter that
 16 applies to questions concerning the validity of a petition of nomination.

17 SECTION 30. IC 3-8-6-14, AS AMENDED BY P.L.194-2013,
 18 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2017]: Sec. 14. (a) A person may not be selected as a
 20 candidate by petition of nomination without giving written consent and
 21 having it filed with the public official with whom certificates and
 22 petitions of nomination are required to be filed.

23 (b) Each candidate nominated by petition of nomination must satisfy
 24 all statutory eligibility requirements for the office for which the
 25 candidate is nominated, including the filing of statements of economic
 26 interest.

27 (c) All questions concerning the validity of a petition of nomination
 28 filed with the secretary of state or contesting the denial of certification
 29 under section 12(d) of this chapter shall be referred to and determined
 30 by the commission. A statement questioning the validity of a petition
 31 of nomination or contesting the denial of certification under section
 32 12(d) of this chapter must be filed with the election division under
 33 ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(d)** or ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(f)** not later
 34 than noon seventy-four (74) days before the date on which the general
 35 or municipal election will be held for the office.

36 (d) All questions concerning the validity of a petition of nomination
 37 filed with a circuit court clerk or contesting the denial of certification
 38 under section 12(d) of this chapter shall be referred to and determined
 39 by the county election board. A statement questioning the validity of a
 40 petition of nomination or contesting the denial of certification under
 41 section 12(d) of this chapter must be filed with the county election
 42 board under ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(d)** or ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(f)**



1 not later than noon seventy-four (74) days before the date on which the
2 general or municipal election will be held for the office.

3 (e) The commission or a county election board shall rule on the
4 validity of the petition of nomination or the denial of certification under
5 section 12(d) of this chapter not later than noon sixty (60) days before
6 the date on which the general or municipal election will be held for the
7 office.

8 SECTION 31. IC 3-8-9-5, AS AMENDED BY P.L.76-2014,
9 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2017]: Sec. 5. An individual required to file a statement under
11 section 4 of this chapter shall file the statement as follows:

12 (1) With the individual's:

13 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;

14 (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6 **after**
15 **certification by the county voter registration office;**

16 (C) certificate of nomination under IC 3-10-2-15 or
17 IC 3-10-6-12;

18 (D) statement consenting to be a replacement candidate under
19 IC 3-8-6-17;

20 (E) declaration of intent to be a write-in candidate under
21 IC 3-8-2-2.5; or

22 (F) certificate of candidate selection under IC 3-13-1 or
23 IC 3-13-2.

24 (2) When the individual assumes a vacant elected office under
25 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, IC 3-13-11, or
26 IC 20-23-4-30. A statement filed under this subdivision must be
27 filed not later than noon sixty (60) days after the individual
28 assumes the elected office.

29 SECTION 32. IC 3-10-1-4.6, AS AMENDED BY P.L.149-2016,
30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2017]: Sec. 4.6. (a) This section applies to precinct
32 committeemen elected by the Indiana Republican Party.

33 (b) Precinct committeemen shall be elected on the first Tuesday
34 after the first Monday in May ~~2016~~ **2020** and every four (4) years
35 thereafter.

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

41 SECTION 33. IC 3-10-1-31.1, AS AMENDED BY P.L.169-2015,
42 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2017]: Sec. 31.1. (a) This section applies only to election
2 materials for elections held after December 31, 2003.

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

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

23 (1) IC 3-12-6-19 or IC 3-12-11-16; or

24 (2) 52 U.S.C. 10301;

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

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

28 (e) Upon delivery of the poll lists, the county voter registration
29 office shall unseal the envelopes containing the poll lists, inspect the
30 poll lists, and update the registration records of the county. The county
31 voter registration office shall use the poll lists and information on
32 affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to
33 update the registration record to include the voter's voter identification
34 number if the voter's voter identification number is not already
35 included in the registration record. Upon completion of the inspection,
36 the poll list and affidavits shall be preserved with the ballots and other
37 materials in the manner prescribed by subsection (c) for the period
38 prescribed by subsections (c) and (d).

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



1 to the county voter registration office.

2 (g) This subsection does not apply to ballots, including provisional
3 ballots. Notwithstanding subsection (c), if a county voter registration
4 office determines that the inspection and copying of precinct election
5 material would reveal the political parties, candidates, and public
6 questions for which an individual cast an absentee ballot, the county
7 voter registration office shall keep confidential only that part of the
8 election material necessary to protect the secrecy of the voter's ballot.
9 In addition, the county voter registration office shall keep confidential
10 information contained in material related to provisional ballots that
11 identifies an individual, except for the individual's name, address, and
12 birth date.

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

17 (i) This subsection applies to a detachable recording unit or
18 compartment used to record a ballot cast on a direct record electronic
19 voting system. After the time allowed to file a verified petition or
20 cross-petition for a recount of votes or to contest the election, the
21 circuit court clerk shall transfer the data contained in the unit or
22 compartment to a disc or other recording medium. After transferring
23 the data, the clerk may clear or erase the unit or compartment. The
24 circuit court clerk shall carefully preserve the disc or medium used to
25 record the data for twenty-two (22) months, as required by 52 U.S.C.
26 20701, after which time the disc or medium may be erased or
27 destroyed, subject to IC 5-15-6, unless an order requiring the continued
28 preservation of the disc or medium is issued under the following:

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

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

31 (3) 52 U.S.C. 10301.

32 SECTION 34. IC 3-10-1-31.3, AS ADDED BY P.L.219-2013,
33 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2017]: Sec. 31.3. (a) This subsection applies to a primary
35 election within an election district in which more than one (1) political
36 party chooses the party's nominees or in which a nonpartisan ballot is
37 available for a voter to vote for an office or on a public question. A
38 voter whose political party is not recorded on the poll list as required
39 under section 24 of this chapter shall be shown on the voter's
40 registration record as having cast an unknown ballot in that primary.

41 (b) This subsection applies to a primary election within an election
42 district in which only one (1) political party chooses its nominees and



1 a nonpartisan ballot is not available. A voter:

2 **(1) whose political party recorded on the poll list is not the**
 3 **political party conducting a primary within the election**
 4 **district;**

5 **(2) who is indicated on the poll list as having requested a**
 6 **nonpartisan ballot; or**

7 **(3) whose political party is not recorded on the poll list as**
 8 **required under section 24 of this chapter;**

9 shall be shown on the voter's registration record as having cast a ballot
 10 for the political party choosing that political party's nominees in that
 11 primary election.

12 SECTION 35. IC 3-10-2-3, AS AMENDED BY P.L.216-2015,
 13 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2017]: Sec. 3. Electors for President and ~~Vice-President~~ **Vice**
 15 **President** of the United States shall be elected in ~~2016~~ **2020** and every
 16 four (4) years thereafter at a general election held in accordance with
 17 3 U.S.C. 1.

18 SECTION 36. IC 3-10-2-4, AS AMENDED BY P.L.216-2015,
 19 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2017]: Sec. 4. United States Senators shall be elected at a
 21 general election held in accordance with 2 U.S.C. 1 and as follows:

22 (1) One (1) in ~~2016~~ **2018** and every six (6) years thereafter.

23 (2) One (1) in ~~2018~~ **2022** and every six (6) years thereafter.

24 SECTION 37. IC 3-10-2-6, AS AMENDED BY P.L.216-2015,
 25 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2017]: Sec. 6. The following public officials shall be elected
 27 in ~~2016~~ **2020** and every four (4) years thereafter:

28 (1) Governor.

29 (2) Lieutenant governor.

30 (3) Attorney general.

31 (4) Superintendent of public instruction.

32 SECTION 38. IC 3-10-6-2, AS AMENDED BY P.L.230-2005,
 33 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2017]: Sec. 2. (a) Except as otherwise provided in this
 35 chapter, a municipal primary election shall be held on the first Tuesday
 36 after the first Monday in May ~~2007~~ **2019** and every four (4) years
 37 thereafter.

38 (b) Each political party whose nominee received at least ten percent
 39 (10%) of the votes cast in the state for secretary of state at the last
 40 election shall nominate all candidates to be voted for at the municipal
 41 election to be held in November.

42 SECTION 39. IC 3-10-6-3, AS AMENDED BY P.L.216-2015,



1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2017]: Sec. 3. (a) Notwithstanding section 2 of this chapter,
3 in a town that adopted an ordinance under IC 18-3-1-16(b) (before its
4 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its
5 expiration on January 1, 1988), or section 2.5 of this chapter each
6 political party shall, at the primary election in:

7 (1) May 2018 and every four (4) years thereafter; and

8 (2) May 2019 and every four (4) years thereafter;

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

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

16 (1) May ~~2016~~ **2018** and every four (4) years thereafter; and

17 (2) May ~~2018~~ **2020** and every four (4) years thereafter;

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

22 (c) Notwithstanding section 2 of this chapter, in a town that adopted
23 an ordinance under section 2.6 of this chapter each political party shall,
24 at the primary election in May 2016 and every four (4) years thereafter,
25 nominate candidates for the election to be held under section 6(c) of
26 this chapter, unless a primary election is not required under section 4
27 of this chapter. The primary election shall be held under this chapter.

28 SECTION 40. IC 3-10-6-5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. Except as otherwise
30 provided in this chapter, a municipal election shall be held on the first
31 Tuesday after the first Monday in November ~~2007~~ **2019** and every four
32 (4) years thereafter. At the election, public officials shall be elected to
33 each municipal office.

34 SECTION 41. IC 3-10-7-2.7 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.7. (a) This section
36 does not apply to a town located wholly or partially within a county
37 having a consolidated city.

38 (b) A town may adopt an ordinance during the year preceding a
39 municipal election conducted under section 2 of this chapter
40 prescribing the length of the term of office for municipal officers and
41 changing the time municipal elections are held.

42 (c) The ordinance described in subsection (b) must provide all of the



- 1 following:
- 2 (1) The town legislative body members, clerk-treasurer, or judge
- 3 elected at the next municipal election not conducted in a general
- 4 election year serve a term of three (3) years.
- 5 (2) The successors of the town legislative body members,
- 6 clerk-treasurer, or judge described in subdivision (1) shall be
- 7 chosen at the second general election following the municipal
- 8 election and serve a term of four (4) years.
- 9 (3) The municipal elections for town offices shall be held during
- 10 a general election.
- 11 (d) A town may repeal an ordinance adopted under subsection (b)
- 12 subject to both of the following:
- 13 (1) The ordinance may not be repealed earlier than twelve (12)
- 14 years after the ordinance was adopted.
- 15 (2) The ordinance may be repealed only in a year preceding a
- 16 municipal election held at the time described in IC 3-10-6-5.
- 17 **(e) An ordinance described in subsection (b) or an ordinance**
- 18 **repealing an ordinance previously adopted under subsection (b)**
- 19 **takes effect when the ordinance is filed with the circuit court clerk**
- 20 **of the county in which the largest percentage of the population of**
- 21 **the town is located.**
- 22 SECTION 42. IC 3-10-7-2.9 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.9. (a) This section
- 24 does not apply to a town located wholly or partially within a county
- 25 having a consolidated city.
- 26 (b) During the year preceding a municipal election conducted under
- 27 section 2 of this chapter, a town may adopt an ordinance changing the
- 28 time municipal elections are held for the offices of the town legislative
- 29 body members, clerk-treasurer, and judge.
- 30 (c) The ordinance described in subsection (b) must provide all the
- 31 following:
- 32 (1) The years in which town elections shall be held. A town
- 33 election may not be held in a year following a year in which an
- 34 election for electors for President of the United States is held.
- 35 (2) That the elections for town offices shall be held during general
- 36 elections or municipal elections, or both.
- 37 (3) Which town officers are to be elected in each of the years of
- 38 the town election cycle. The ordinance must provide that at least
- 39 two (2) town officers shall be elected in each year of the town
- 40 election cycle. The ordinance may provide for all town officers to
- 41 be elected at the same election.
- 42 (4) The term of office of each town officer elected in the first



- 1 election cycle after adoption of the ordinance. A term of office set
 2 under this subdivision may not exceed four (4) years.
- 3 (5) That the term of office of each town officer elected after the
 4 first election cycle after adoption of the ordinance is four (4)
 5 years.
- 6 (6) That the term of office of each town officer begins on January
 7 1 after the election.
- 8 (d) A town may repeal an ordinance adopted under subsection (b)
 9 subject to both of the following:
- 10 (1) The ordinance may not be repealed earlier than twelve (12)
 11 years after the ordinance was adopted.
- 12 (2) The ordinance may be repealed only in a year preceding a
 13 municipal election held at the time described in IC 3-10-6-5.
- 14 **(e) An ordinance described in subsection (b) or an ordinance**
 15 **repealing an ordinance previously adopted under subsection (b)**
 16 **takes effect when the ordinance is filed with the circuit court clerk**
 17 **of the county in which the largest percentage of the population of**
 18 **the town is located.**
- 19 SECTION 43. IC 3-10-10-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. This chapter is
 21 enacted to implement ~~42 U.S.C. 1973aa~~ **52 U.S.C. 10502** concerning
 22 voting for President and Vice President of the United States.
- 23 SECTION 44. IC 3-10-12-3.4, AS AMENDED BY P.L.194-2013,
 24 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2017]: Sec. 3.4. (a) This section applies to a voter who:
- 26 (1) changes residence from a precinct in a county to another
 27 precinct:
- 28 (A) in the same county; and
 29 (B) in the same congressional district;
 30 as the former precinct; and
- 31 (2) does not notify the county voter registration office of the
 32 change of address before election day.
- 33 (b) A voter described by subsection (a) may:
- 34 (1) correct the voter registration record; and
 35 (2) vote in the precinct where the voter formerly resided;
 36 if the voter makes an oral affirmation as described in subsection (e) or
 37 **uses the affidavit prescribed by the election division under**
 38 **IC 3-10-11-6 to make** a written affirmation as described in section 4
 39 of this chapter of the voter's current residence address.
- 40 (c) A voter who moved outside of a municipality may not return to
 41 the precinct where the voter formerly resided to vote in a municipal
 42 election.



1 (d) A voter who moved from a location outside a municipality to a
2 location within a municipality before a:

- 3 (1) municipal primary election;
4 (2) municipal election; or
5 (3) special election held only within the municipality;

6 may not vote in the municipal primary election, municipal election, or
7 special election held only within the municipality in the precinct of the
8 person's former residence.

9 (e) A voter entitled to make a written affirmation under subsection
10 (b) may make an oral affirmation. The voter must make the oral
11 affirmation before the poll clerks of the precinct. After the voter makes
12 an oral affirmation under this subsection, the poll clerks shall:

- 13 (1) reduce the substance of the affirmation to writing at an
14 appropriate location on the poll list; and
15 (2) initial the affirmation.

16 SECTION 45. IC 3-11-1.5-32.7 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2017]: **Sec. 32.7. (a) A precinct boundary**
19 **does not change automatically whenever either of the following**
20 **occurs:**

- 21 **(1) The boundaries of a political subdivision change as the**
22 **result of annexation or disannexation of territory.**
23 **(2) The boundaries of an election district within a political**
24 **subdivision are changed by the political subdivision.**

25 **(b) A precinct boundary may be changed only as provided in**
26 **this chapter.**

27 SECTION 46. IC 3-11-2-12.2, AS AMENDED BY P.L.21-2016,
28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2017]: Sec. 12.2. **(a) Whenever candidates are to be elected**
30 **to an office that includes more than one (1) district, the districts shall**
31 **be placed on the ballot in alphabetical or numerical order, according to**
32 **the designation given to the district.**

33 **(b) Whenever candidates are to be elected to a school board**
34 **office that includes both an at-large member and a member**
35 **representing a district, the candidates seeking election as a member**
36 **representing a district shall be placed on the ballot before**
37 **candidates seeking election as an at-large member.**

38 SECTION 47. IC 3-11-4-5.1, AS AMENDED BY P.L.169-2015,
39 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2017]: Sec. 5.1. (a) The election division shall prescribe the
41 form of an application for an absentee ballot.

42 (b) This subsection does not apply to the form for an absentee ballot



1 application to be submitted by an absent uniformed services voter or
 2 overseas voter that contains a standardized oath for those voters. The
 3 form of the application for an absentee ballot must do all of the
 4 following:

5 (1) Require the applicant to swear to or affirm under the penalties
 6 of perjury that all of the information set forth on the application
 7 is true to the best of the applicant's knowledge and belief.

8 (2) Require a person who assisted with the completion of the
 9 application to swear to or affirm under the penalties of perjury the
 10 statements set forth in section 2(f) of this chapter.

11 (3) Serve as a verified statement for a voter to indicate a change
 12 of name under IC 3-7-41. The form must require the applicant to
 13 indicate the applicant's previous name.

14 (4) Set forth the penalties for perjury.

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

17 (1) requests an absentee ballot; and

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

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

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

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

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

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

32 (e) An application form submitted by a voter must

33 ~~(1) comply with subsection (d). or~~

34 ~~(2) be an earlier approved version of an application form~~
 35 ~~authorized for use on June 30, 2013.~~

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

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

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

42 If the applicant confirms these statements, the applicant may indicate



1 the address of the office of the attorney general as the address to which
2 the absentee ballot is to be mailed.

3 SECTION 48. IC 3-11-6-1, AS AMENDED BY P.L.221-2005,
4 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2017]: Sec. 1. The legislative body of a county may establish
6 a cumulative fund under IC 6-1.1-41 to provide funds for the purchase
7 of ballot card voting systems, ~~or~~ electronic voting systems, **or**
8 **electronic poll books.**

9 SECTION 49. IC 3-11-8-7, AS AMENDED BY P.L.64-2014,
10 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2017]: Sec. 7. In preparing the polls for an election, the county
12 executive shall:

13 (1) have placed within the room a railing separating the part of the
14 room to be occupied by the precinct election board from that part
15 of the room to be occupied by the ballot card voting systems,
16 electronic voting systems, and the three (3) or more booths or
17 compartments for marking paper ballots, whenever either or two
18 (2) of these voting systems are used;

19 (2) ensure that the portion of the room set apart for the precinct
20 election board includes a designated area before the voter
21 approaches the precinct election board at which each voter
22 appears for challenge; and

23 (3) provide a method or material for designating the boundaries
24 of the chute, such as a railing, rope, or wire on each side,
25 beginning a distance equal to the length of the chute (as defined
26 in IC 3-5-2-10) away from and leading to the door for ~~challenge~~
27 **and to entering** the room in which the election is held.

28 SECTION 50. IC 3-11-8-11, AS AMENDED BY P.L.169-2015,
29 SECTION 111, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) When the hour for closing
31 the polls occurs, the precinct election board shall permit all voters who:

32 (1) ~~have passed the challengers and who~~ are waiting to announce
33 their names to the poll clerks for the purpose of signing the poll
34 list **and have been identified using one (1) of the methods**
35 **described in subsection (b);**

36 (2) have signed the poll list but who have not voted; or

37 (3) are in the act of voting;

38 to vote.

39 (b) At the time described in subsection (a), an individual **precinct**
40 **election official** designated by the ~~circuit court clerk~~ **county election**
41 **board** shall:

42 (1) determine the end of the line of voters who are waiting to vote;



1 but have not yet passed the challengers; and
 2 (2) use one (1) of the following methods to identify the voters in
 3 the line who may vote if otherwise qualified to vote according to
 4 law:

5 (A) Write down the name of each voter.

6 (B) Stamp each voter's hand.

7 (C) Stand, or designate another individual to stand,
 8 immediately behind the last voter who may vote.

9 (c) This subsection applies if a court order (or other order) has been
 10 issued to extend the hours that the polls are open under section 8 of this
 11 chapter. As provided in 52 U.S.C. 21082, the inspector shall identify
 12 the voters who would not otherwise be eligible to vote after the closing
 13 of the polls under subsection (a) and shall provide a provisional ballot
 14 to the voters in accordance with IC 3-11.7.

15 SECTION 51. IC 3-11-8-25.1, AS AMENDED BY P.L.169-2015,
 16 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2017]: Sec. 25.1. (a) Except as provided in
 18 subsection (e), a voter who desires to vote an official ballot at an
 19 election shall provide proof of identification.

20 (b) Except as provided in subsection (e), before the voter proceeds
 21 to vote in the election, a precinct election officer shall ask the voter to
 22 provide proof of identification. One (1) of each of the precinct election
 23 officers nominated by each county chairman of a major political party
 24 of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter
 25 to provide proof of identification. The voter shall produce the proof of
 26 identification to each precinct officer requesting the proof of
 27 identification before being permitted to sign the poll list.

28 (c) If:

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

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

34 a member of the precinct election board shall challenge the voter as
 35 prescribed by this chapter.

36 (d) If the voter executes a challenged voter's affidavit under section
 37 22.1 of this chapter, the voter may:

38 (1) sign the poll list; and

39 (2) receive a provisional ballot.

40 (e) A voter who votes in person at a precinct polling place that is
 41 located at a state licensed care facility where the voter resides is not
 42 required to provide proof of identification before voting in an election.



1 (f) After a voter has passed the challengers or has been sworn in, the
 2 voter shall be instructed by a member of the precinct election board to
 3 proceed to the location where the poll clerks are stationed. In a vote
 4 center county using an electronic poll list, two (2) election officers who
 5 are not members of the same political party must be present when a
 6 voter signs in on the electronic poll list. The voter shall announce the
 7 voter's name to the poll clerks or assistant poll clerks. A poll clerk, an
 8 assistant poll clerk, or a member of the precinct election board shall
 9 require the voter to write the following on the poll list or to provide the
 10 following information for entry into the electronic poll list:

11 (1) The voter's name.

12 (2) Except as provided in subsection (k), the voter's current
 13 residence address.

14 (g) The poll clerk, an assistant poll clerk, or a member of the
 15 precinct election board shall:

16 (1) ask the voter to provide or update the voter's voter
 17 identification number;

18 (2) tell the voter the number the voter may use as a voter
 19 identification number; and

20 (3) explain to the voter that the voter is not required to provide or
 21 update a voter identification number at the polls.

22 (h) The poll clerk, an assistant poll clerk, or a member of the
 23 precinct election board shall ask the voter to provide proof of
 24 identification.

25 (i) In case of doubt concerning a voter's identity, the precinct
 26 election board shall compare the voter's signature with the signature on
 27 the voter's registration record provided by the county voter registration
 28 office under IC 3-7-29. If the board determines that the voter's
 29 signature is authentic, the voter may then vote. If either poll clerk
 30 doubts the voter's identity following comparison of the signatures, the
 31 poll clerk shall challenge the voter in the manner prescribed by section
 32 21 of this chapter.

33 (j) If:

34 (1) the poll clerk does not execute a challenger's affidavit; or

35 (2) the voter executes a challenged voter's affidavit under section
 36 22.1 of this chapter or executed the affidavit before signing the
 37 poll list;

38 the voter may then vote.

39 (k) The electronic poll book (or each line on a poll list sheet
 40 provided to take a voter's current address) must include a box under the
 41 heading "Address Unchanged". ~~so that the A~~ voter ~~may~~ whose address
 42 is **unchanged shall** check the box instead of writing the voter's current



1 address on the poll list, or if an electronic poll book is used, the poll
 2 clerk ~~may~~ **shall** check the box after stating to the voter the address
 3 shown on the electronic poll book and receiving an oral affirmation
 4 from the voter that the voter's residence address shown on the poll list
 5 is the voter's current residence address instead of writing the voter's
 6 current residence address on the poll list or reentering the address in
 7 the electronic poll book.

8 (l) If the voter indicates that the voter's current residence is located
 9 within another county in Indiana, the voter is considered to have
 10 directed the county voter registration office of the county where the
 11 precinct is located to cancel the voter registration record within the
 12 county. The precinct election board shall provide the voter with a voter
 13 registration application for the voter to complete and file with the
 14 county voter registration office of the county where the voter's current
 15 residence address is located.

16 (m) If the voter indicates that the voter's current residence is located
 17 outside Indiana, the voter is considered to have directed the county
 18 voter registration office of the county where the precinct is located to
 19 cancel the voter registration record within the county.

20 SECTION 52. IC 3-11-13-22, AS AMENDED BY P.L.169-2015,
 21 SECTION 127, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2017]: Sec. 22. (a) This section applies to:

23 (1) a ballot card voting system; and

24 (2) a voting system that includes features of a ballot card voting
 25 system and a direct record electronic voting system.

26 (b) ~~At least fourteen (14) days before election day,~~ The county
 27 election board of each county planning to use automatic tabulating
 28 machines at the next election shall ~~have~~ **randomly select at least ten**
 29 **percent (10%) of the automatic tabulating machines tested for testing**
 30 to ascertain that the machines will correctly count the votes cast for all
 31 candidates and on all public questions. **If an individual attending the**
 32 **public test requests that additional automatic tabulating machines**
 33 **be tested, then the county election board shall randomly select and**
 34 **test additional machines up to a maximum of fifteen percent (15%)**
 35 **of the machines that will be used at the next election.** Not later than
 36 seven (7) days after conducting the test under this subsection, the
 37 county election board shall certify to the election division that the test
 38 has been conducted in conformity with this subsection. **The testing**
 39 **under this subsection must begin before absentee voting begins in**
 40 **the office of the circuit court clerk under IC 3-11-10-26.**

41 (c) Public notice of the time and place shall be given at least
 42 forty-eight (48) hours before the test. The notice shall be published



1 once in accordance with IC 5-3-1-4.

2 (d) If a county election board determines that:

3 (1) a ballot:

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

7 (B) is an absentee ballot that a voter is entitled to recast under
8 IC 3-11-10-1.5 because the absentee ballot includes a
9 candidate for election to office who:

10 (i) ceased to be a candidate; and

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

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

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

22 SECTION 53. IC 3-11-13-31.5 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 31.5. (a) The exterior
24 of a voting booth or compartment and each area of the polls must be in
25 plain view of the precinct election board. Each voting booth or
26 compartment shall be placed so that a person voting on the opposite
27 side of the railing or a person on the outside of the polls cannot see or
28 determine how a voter votes. The inspector, judges, and poll clerks may
29 not remain or allow any other person to remain in a position or near a
30 position that would permit them to see or ascertain how a voter votes.

31 (b) Only one (1) voter may occupy a booth or compartment at one
32 time. Booths shall be constructed and arranged so that all members of
33 the precinct election board can see whether more than one (1) voter
34 enters a booth at any one time. **However, a voter who is a parent,**
35 **grandparent, or other person caring for a minor child may take the**
36 **child into the voting booth.**

37 SECTION 54. IC 3-11-14-24 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 24. (a) Only one (1)
39 voter may occupy a booth **or compartment** at one time. Booths shall
40 be constructed and arranged so that all members of the precinct
41 election board can see whether more than one (1) voter enters a booth
42 at any one time. **However, a voter who is a parent, grandparent, or**



1 **other person caring for a minor child may take the child into the**
 2 **voting booth.**

3 (b) If a voter needs additional instruction after entering the voting
 4 booth, the voter may request assistance from the two (2) judges. The
 5 two (2) judges shall then approach but not enter the booth and call out
 6 additional instructions to the voter.

7 SECTION 55. IC 3-11-17-6, AS AMENDED BY P.L.120-2009,
 8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 6. (a) The voting system technical oversight
 10 program account is established with the state general fund to provide
 11 money for administering and enforcing IC 3-11-7, IC 3-11-7.5,
 12 IC 3-11-15, IC 3-11-16, and this chapter.

13 (b) The election division shall administer the account. With the
 14 approval of the budget agency, funds in the account are available to
 15 augment and supplement the funds appropriated to the election division
 16 for the purposes described in this section.

17 (c) The expenses of administering the account shall be paid from the
 18 money in the account.

19 (d) The account consists of the following:

20 (1) All civil penalties collected under this chapter.

21 (2) Fees collected under IC 3-11-15-4.

22 (3) Contributions to the account made in accordance with a
 23 settlement agreement executed with a voting system vendor.

24 **(4) Money appropriated by the general assembly for the**
 25 **voting system technical oversight program.**

26 (e) Money in the account at the end of a state fiscal year does not
 27 revert to the state general fund.

28 SECTION 56. IC 3-11.5-4-23 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 23. (a) Not later than
 30 noon ~~ten (10)~~ **fifty (50)** days before ~~absentee voting begins under~~
 31 ~~IC 3-11-10-26~~, **election day**, each county election board shall notify
 32 the county chairmen of the two (2) political parties that have appointed
 33 members on the county election board of the number of:

34 (1) absentee voter boards;

35 (2) teams of absentee ballot counters; and

36 (3) teams of couriers;

37 to be appointed under section 22 of this chapter.

38 (b) The county chairmen shall make written recommendations for
 39 the appointments to the county election board not later than ~~noon three~~
 40 ~~(3)~~ **forty-six (46)** days before ~~absentee voting begins under~~
 41 ~~IC 3-11-10-26~~. **election day**. The county election board shall make the
 42 appointments as recommended.



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

4 SECTION 57. IC 3-12-1-15 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. **(a) This section**
 6 **does not apply to a candidate for an at-large office of a county**
 7 **council, city common council, town council, or township board, if**
 8 **those offices appear on a ballot.**

9 ~~(a)~~ **(b)** This section applies to a vote cast for one (1) straight party
 10 ticket that includes a candidate for election to office who:

11 (1) ceases to be a candidate; and

12 (2) is succeeded by a candidate selected under IC 3-13-1 or
 13 IC 3-13-2.

14 ~~(b)~~ **(c)** A vote cast in the election for the original nominee is
 15 considered a vote cast for the successor.

16 SECTION 58. IC 3-12-12-2, AS AMENDED BY P.L.84-2016,
 17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2017]: Sec. 2. A voter who desires a recount under this
 19 chapter must file a verified petition no later than noon fourteen (14)
 20 days after election day. The petition must be filed:

21 (1) in the circuit court, superior court, or probate court of each
 22 county in which is located a precinct in which the voter desires a
 23 recount; and

24 (2) with the election division, **if the recount is to be conducted**
 25 **by the state recount commission under section 23 of this**
 26 **chapter.**

27 SECTION 59. IC 3-12-12-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) Each petition
 29 filed under section 2 of this chapter must be accompanied by a cash
 30 deposit, or a bond with corporate surety to the approval of the court, **if**
 31 **the recount is to be conducted by a county recount commission,** for
 32 the payment of all costs of the recount **chargeable to the petitioner.**
 33 The minimum amount of the cash deposit or bond is one hundred
 34 dollars (\$100). A cash deposit for a recount conducted by a county
 35 recount commission shall be deposited in the county general fund. A
 36 cash deposit in a recount conducted by the state recount commission
 37 shall be deposited in the state recount fund.

38 (b) This subsection applies to the recount of a public question to
 39 which either of the following applies:

40 (1) The public question is a local public question under IC 3-10-9
 41 in which, on the face of the election returns, the difference
 42 between the number of affirmative and negative votes cast is not



1 more than two hundred (200).

2 (2) The public question is covered under section 23 of this chapter
3 and, on the face of the election returns, the difference between the
4 number of affirmative and negative votes cast is not more than
5 two thousand (2,000).

6 If the number of precincts to be recounted exceeds ten (10), then the
7 amount of the deposit shall be increased by ten dollars (\$10) for each
8 precinct in excess of ten (10).

9 (c) This subsection applies to the recount of a public question to
10 which either of the following applies:

11 (1) The public question is a local public question under IC 3-10-9
12 and, on the face of the election returns, the difference between the
13 number of affirmative and negative votes cast is more than two
14 hundred (200).

15 (2) The public question is covered under section 23 of this chapter
16 and, on the face of the election returns, the difference between the
17 number of affirmative and negative votes cast is more than two
18 thousand (2,000).

19 If the number of precincts to be recounted exceeds ten (10), the amount
20 of the deposit shall be increased by one hundred dollars (\$100) for each
21 precinct in excess of ten (10).

22 (d) If after a recount, it is determined that the result of the public
23 question is other than what was shown on the face of the election
24 returns, the deposit furnished by the petitioner shall be returned to the
25 petitioner in full.

26 (e) Any unexpended balance remaining in a deposit after payment
27 of all costs of the recount remains in the county general fund.

28 (f) This subsection applies to a recount conducted by the state
29 recount commission under this chapter. Any unexpended balance
30 remaining in a deposit after payment of all costs of the recount remains
31 in the state recount fund.

32 SECTION 60. IC 3-12-12-22 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 22. **(a) This section
34 does not apply to a recount conducted by the state recount
35 commission under section 23 of this chapter.**

36 **(b)** If a recount is made for a public question for which votes were
37 cast in more than one (1) county, each circuit court clerk where the
38 recount was made shall determine whether the votes in the precincts
39 shown by the recount certificate differ from the votes that were
40 tabulated by the county election board. If a circuit court clerk finds that
41 there is a difference between the votes shown by the recount certificate
42 and the votes tabulated by the county election board, the clerk shall



1 prepare a certificate showing the total vote in the county for and against
 2 the public question as corrected in accordance with the recount
 3 certificate.

4 SECTION 61. IC 3-12-12-23, AS AMENDED BY P.L.169-2015,
 5 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2017]: Sec. 23. (a) This section applies to a
 7 recount of:

8 (1) a public question concerning the ratification of a state
 9 constitutional amendment or the retention of a justice of the
 10 Indiana supreme court, ~~or a judge of the Indiana court of appeals,~~
 11 **or the judge of the Indiana tax court;** or

12 (2) another public question voted on by the electorate of the entire
 13 state.

14 (b) The state recount commission shall conduct a recount
 15 proceeding under this section and shall immediately transmit a
 16 certificate to the election division showing for each precinct in which
 17 a recount was conducted the total vote for and against the public
 18 question.

19 (c) Upon tabulation of the returns under this section by the election
 20 division, the secretary of state shall issue a certificate declaring the
 21 public question approved or rejected.

22 (d) The election division shall provide to the office the results of the
 23 recount in each precinct in which a recount was conducted.

24 SECTION 62. IC 3-13-1-13, AS AMENDED BY P.L.216-2015,
 25 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2017]: Sec. 13. If ~~no person is fewer than two (2) persons~~
 27 **are** eligible to participate in the filling of a candidate vacancy for an
 28 office under section 6(b) of this chapter, the county chairman entitled
 29 to call the meeting under section 8 of this chapter shall appoint a
 30 person to fill the vacancy.

31 SECTION 63. IC 3-13-1-16.5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16.5. (a) All questions
 33 concerning the validity of a certificate of candidate selection filed with
 34 the election division shall be determined by the commission. A
 35 statement questioning the validity of a certificate of candidate selection
 36 must be filed with the election division under ~~IC 3-8-1-2(c)~~
 37 **IC 3-8-1-2(d)** not later than noon seventy-four (74) days before the
 38 date on which the general or municipal election will be held for the
 39 office.

40 (b) All questions concerning the validity of a certificate of candidate
 41 selection filed with a circuit court clerk shall be referred to and
 42 determined by the county election board. A statement questioning the



1 validity of a certificate of candidate selection must be filed with the
 2 county election board under ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(d)** not later than
 3 noon seventy-four (74) days before the date on which the general or
 4 municipal election will be held for the office.

5 (c) The commission or a county election board shall rule on the
 6 validity of the certificate of candidate selection not later than noon
 7 sixty (60) days before the date on which the general or municipal
 8 election will be held for the office.

9 SECTION 64. IC 3-13-1-20.5, AS ADDED BY P.L.64-2014,
 10 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2017]: Sec. 20.5. (a) This section applies to a **candidate**
 12 **nominated by a** political party subject to IC 3-8-4-10, IC 3-10-2-15,
 13 or IC 3-10-6-12.

14 **(b) This section does not apply to a candidate nominated under**
 15 **IC 3-8-5-14 and subject to IC 3-8-5-14.7.**

16 ~~(b)~~ (c) All questions concerning the validity of a certificate of
 17 candidate selection filed under section 20 of this chapter with the
 18 election division shall be determined by the commission. A statement
 19 questioning the validity of a certificate of candidate selection must be
 20 filed with the election division under ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(d)** not
 21 later than noon seventy-four (74) days before the date on which the
 22 general election will be held for the office.

23 ~~(c)~~ (d) All questions concerning the validity of a certificate of
 24 candidate selection filed under section 20 of this chapter with a circuit
 25 court clerk shall be referred to and determined by the county election
 26 board. A statement questioning the validity of a certificate of candidate
 27 selection must be filed with the county election board under
 28 ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(d)** not later than noon seventy-four (74) days
 29 before the date on which the general or municipal election will be held
 30 for the office.

31 ~~(d)~~ (e) The commission or a county election board shall act upon a
 32 question concerning the validity of a certificate of candidate selection
 33 not later than noon sixty (60) days before the date on which the general
 34 or municipal election will be held for the office.

35 SECTION 65. IC 3-13-1-21, AS AMENDED BY P.L.216-2015,
 36 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2017]: Sec. 21. (a) This section applies to a certificate of
 38 candidate selection filed under section 15 or 20 of this chapter.

39 (b) To enforce the requirements of IC 3-5-4-1.9, the election
 40 division, a circuit court clerk, or any other official responsible for
 41 receiving a certificate of candidate selection may not receive a filing of
 42 a certificate of candidate selection if:



1 (1) a notice of a caucus or meeting;

2 **(2) a notice of intent to fill a vacancy under section 20 of this**
 3 **chapter;**

4 ~~(2) (3)~~ a declaration of candidacy filed by the individual selected
 5 as the candidate; or

6 ~~(3) (4)~~ the certificate of candidate selection;

7 is or was offered to be filed after the deadline for the filing provided by
 8 this chapter or was not offered for filing at or before the deadline for
 9 the filing provided by this chapter.

10 SECTION 66. IC 3-13-2-11 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) All questions
 12 concerning the validity of a certificate of candidate selection filed with
 13 the election division shall be determined by the commission. A
 14 statement questioning the validity of a certificate of candidate selection
 15 must be filed with the election division under ~~IC 3-8-1-2(c)~~
 16 **IC 3-8-1-2(d)** not later than noon fourteen (14) days before general
 17 election day.

18 (b) All questions concerning the validity of a certificate of candidate
 19 selection filed with a circuit court clerk shall be determined by the
 20 county election board. A statement questioning the validity of a
 21 certificate of candidate selection must be filed with the county election
 22 board under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not later than noon fourteen
 23 (14) days before general election day.

24 (c) The commission or a county election board shall rule on the
 25 validity of the certificate of candidate selection not later than noon
 26 seven (7) days before general election day.

27 SECTION 67. IC 3-13-11-3, AS AMENDED BY P.L.194-2013,
 28 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2017]: Sec. 3. (a) Except as provided in subsections (b) and
 30 (e) and section 3.5 of this chapter, **after a vacancy occurs and** not
 31 later than ten (10) days after a vacancy occurs in an office subject to
 32 this chapter, the county chairman:

33 (1) of the county in which the greatest percentage of the
 34 population of the election district of the office is located; and

35 (2) of the same political party that elected or selected the official
 36 who vacated the office;

37 shall give notice of a caucus to all eligible precinct committeemen.

38 (b) A county chairman may give notice of a caucus before the time
 39 specified under subsection (a) if a vacancy will exist because the
 40 official has:

41 (1) submitted a written resignation under IC 5-8-3.5; or

42 (2) been elected to another office.



1 (c) Notwithstanding IC 5-8-4, a person may not withdraw the
 2 person's resignation after the resignation has been accepted by the
 3 person authorized to accept the resignation less than seventy-two (72)
 4 hours before the announced starting time of a caucus under this section.

5 (d) Except as provided in subsection (e) and section 3.5 of this
 6 chapter, a caucus under this section shall be held after giving notice to
 7 caucus members under section 4 of this chapter and not later than thirty
 8 (30) days after the vacancy occurs.

9 (e) If a vacancy exists in an office because of the death of the
 10 officeholder, the caucus shall meet and select an individual to fill the
 11 vacancy not later than thirty (30) days after the county chairman
 12 receives notice of the death under IC 5-8-6. The county chairman shall
 13 give notice to caucus members under section 4 of this chapter. The
 14 county chairman may not give the notice required by section 4 of this
 15 chapter until the county chairman receives notice of the death under
 16 IC 5-8-6.

17 SECTION 68. IC 3-13-11-10 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. The members of a
 19 caucus held under this chapter shall select, by a majority vote of those
 20 casting a vote for a candidate, a person to fill the vacancy described in
 21 the written notice of the caucus. **If more than one (1) person seeks to**
 22 **fill the vacancy**, the selection shall be conducted by secret ballot.

23 SECTION 69. IC 5-9-4-8, AS AMENDED BY P.L.120-2015,
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2017]: Sec. 8. (a) Except as provided in subsection (b) and
 26 IC 36-5-6-9, during the officeholder's leave of absence, the
 27 officeholder's office must be filled by a temporary appointment made
 28 under:

- 29 (1) IC 3-13-4;
- 30 (2) IC 3-13-5;
- 31 (3) IC 3-13-6;
- 32 (4) IC 3-13-7;
- 33 (5) IC 3-13-8;
- 34 (6) IC 3-13-9;
- 35 (7) IC 3-13-10;
- 36 (8) IC 3-13-11;
- 37 (9) IC 20-23-4;
- 38 (10) IC 20-26;
- 39 (11) IC 20-23-12;
- 40 (12) IC 20-23-14;
- 41 (13) IC 20-23-15;
- 42 (14) IC 20-23-17;



- 1 (15) IC 20-23-17.2;
 2 (16) IC 20-25-3;
 3 (17) IC 20-25-4; or
 4 (18) IC 20-25-5;

5 in the same manner as a vacancy created by a resignation is filled. **A**
 6 **temporary appointment may be made in accordance with the**
 7 **applicable statute after the written notice required under section**
 8 **7 of this chapter has been filed.**

9 (b) For an officeholder who:

10 (1) is:

11 (A) a justice of the supreme court, a judge of the court of
 12 appeals, or a judge of the tax court; or

13 (B) a judge of a circuit, city, probate, or superior court; and

14 (2) is taking a leave of absence under this chapter;

15 the supreme court shall appoint a judge pro tempore to fill the
 16 officeholder's office in accordance with the court's rules and
 17 procedures.

18 (c) The person selected or appointed under subsection (a) or (b)
 19 serves until the earlier of:

20 (1) the date the officeholder's leave of absence ends as provided
 21 in section 10 of this chapter; or

22 (2) the officeholder's term of office expires.

23 (d) The person selected or appointed to an office under subsection
 24 (a) or (b):

25 (1) assumes all the rights and duties of; and

26 (2) is entitled to the compensation established for;

27 the office for the period of the temporary appointment.

28 SECTION 70. IC 20-23-12-9, AS AMENDED BY P.L.216-2015,
 29 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2017]: Sec. 9. The members are elected as follows:

31 (1) Three (3) of the members elected under section 3(b) of this
 32 chapter are elected at the general election to be held in ~~2016~~ **2020**
 33 and every four (4) years thereafter.

34 (2) Three (3) of the members elected under section 3(b) of this
 35 chapter are elected at the general election to be held in 2018 and
 36 every four (4) years thereafter.

37 (3) The at-large member elected under section 3(c) of this chapter
 38 is elected at the general election to be held in ~~2016~~ **2020** and
 39 every four (4) years thereafter.

40 SECTION 71. IC 20-23-14-9, AS AMENDED BY P.L.216-2015,
 41 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2017]: Sec. 9. The members are elected as follows:

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1 (1) Three (3) of the members are elected at the general election to
2 be held in ~~2016~~ **2020** and every four (4) years thereafter.

3 (2) Two (2) of the members are elected at the general election to
4 be held in 2018 and every four (4) years thereafter.

5 SECTION 72. IC 20-23-17-8, AS ADDED BY P.L.179-2011,
6 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2017]: Sec. 8. (a) ~~This section applies if the voters of the~~
8 ~~school corporation approve choosing the members of the governing~~
9 ~~body under this chapter in a referendum described in section 1 of this~~
10 ~~chapter.~~

11 ~~(b)~~ **(a)** This subsection applies to ~~the appointed~~ **a** member of the
12 governing body whose term expires ~~December 31, 2011.~~ Before
13 ~~December 31, 2011,~~ the city legislative body shall appoint the
14 successor of this member for a term that expires January 1, ~~2013.~~
15 **electd at the 2016 general election.** The successors of ~~the a~~ member
16 **appointed under this subsection electd at the 2016 general election**
17 shall:

18 (1) be elected at the ~~2012~~ **2020** general election and every four (4)
19 years thereafter as provided in section 3(a)(1) of this chapter; and

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

21 ~~(c)~~ This subsection applies to the appointed member of the
22 governing body whose term expires ~~December 31, 2012.~~ The
23 successors of the member described in this subsection shall:

24 ~~(1)~~ be elected at the ~~2012~~ general election and every four (4)
25 years thereafter as provided in section 3(a)(1) of this chapter; and

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

27 ~~(d)~~ **(b)** This subsection applies to the appointed member of the
28 governing body whose term expires December 31, ~~2013.~~ **2017.** The
29 successors of this member shall be appointed by the city legislative
30 body as provided in section 3(a)(3) of this chapter and take office as
31 provided in section 4 of this chapter.

32 ~~(e)~~ The appointed members of the governing body whose terms
33 expire ~~December 31, 2014,~~ may serve as members of the governing
34 body under this chapter for the remainder of their appointed terms.

35 **(c)** This subsection applies to the member of the governing body
36 **electd at the 2014 general election.** The successors of ~~these members~~
37 **a member electd at the 2014 general election** shall: ~~be chosen as~~
38 ~~follows:~~

39 ~~(1)~~ **One (1)** member shall:

40 ~~(A)~~ **(1)** be elected at the ~~2014~~ **2018** general election and every
41 four (4) years thereafter as provided in section 3(a)(1) of this
42 chapter; and



- 1 ~~(B)~~ **(2)** take office as provided in section 4 of this chapter.
- 2 **(d) This subsection applies to the appointed member of the**
- 3 **governing body whose term expires December 31, 2018. The**
- 4 **successors of this member**
- 5 ~~(2)~~ ~~One~~ **(1)** member shall be appointed by the city executive as
- 6 provided in section 3(a)(2) of this chapter and take office as
- 7 provided in section 4 of this chapter.
- 8 ~~(f)~~ ~~On January 1, 2013, all powers, duties, and functions adhering~~
- 9 ~~to the appointed governing body of the school corporation in existence~~
- 10 ~~on December 31, 2012, are transferred to the governing body~~
- 11 ~~established by this chapter.~~
- 12 ~~(g)~~ ~~On January 1, 2013, the property and records of the appointed~~
- 13 ~~governing body of the school corporation in existence on December 31,~~
- 14 ~~2012, are transferred to the governing body established by this chapter.~~
- 15 SECTION 73. IC 20-23-17.2-3.1, AS AMENDED BY
- 16 P.L.127-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 2017]: Sec. 3.1. (a) ~~After December 31, 2016,~~
- 18 The governing body of the school corporation consists of five (5)
- 19 members, elected as provided in this chapter.
- 20 (b) Three (3) members shall be elected as follows:
- 21 (1) From districts established as provided in section 4.1 of this
- 22 chapter.
- 23 (2) On a nonpartisan basis.
- 24 (3) At the general election held in the county in 2018 and every
- 25 four (4) years thereafter.
- 26 (c) Two (2) members shall be elected as follows:
- 27 (1) At large by all the voters of the school corporation.
- 28 (2) On a nonpartisan basis.
- 29 (3) At the general election held in the county in 2016 and every
- 30 four (4) years thereafter.
- 31 (d) The term of office of a member of the governing body:
- 32 (1) is four (4) years; and
- 33 (2) begins January 1 after the election of members of the
- 34 governing body.
- 35 (e) Upon assuming office and in conducting the business of the
- 36 governing body, a member shall represent the interests of the entire
- 37 school corporation.
- 38 SECTION 74. IC 33-33-45-41, AS AMENDED BY P.L.201-2011,
- 39 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2017]: Sec. 41. (a) Each judge appointed under section 38 of
- 41 this chapter serves an initial term, which begins on the effective date
- 42 of the appointment of the judge and continues through December 31 in



1 the year of the general election that follows the expiration of two (2)
2 years after the effective date of the judge's appointment.

3 (b) Unless **the judge:**

4 **(1) is rejected by the electorate of Lake County; or**

5 **(2) does not file the statement required;**

6 under section 42 of this chapter, a judge of the superior court shall
7 serve successive six (6) year terms.

8 (c) Each six (6) year term begins on the first day of January
9 following the expiration of the preceding initial term or the preceding
10 six (6) year term, as the case may be, and continues for six (6) years.

11 SECTION 75. IC 33-33-45-42, AS AMENDED BY P.L.201-2011,
12 SECTION 65, IS AMENDED TO READ AS FOLLOWS
13 [[EFFECTIVE JULY 1, 2017]: Sec. 42. (a) The question of the
14 retention in office or rejection of each judge of the superior court of
15 Lake County shall be submitted to the electorate of Lake County at the
16 general election immediately preceding expiration of the term of the
17 judge.

18 (b) At the general election, the question of the retention in office or
19 rejection of a judge described in subsection (a) shall be submitted to
20 the electorate of Lake County in the form prescribed by IC 3-11 and
21 must state "Shall Judge (insert name) of the superior court of Lake
22 County be retained in office for an additional term?".

23 (c) If a majority of the ballots cast by the electors voting on any
24 question is "Yes", the judge whose name appeared on the question shall
25 be approved for a six (6) year term beginning January 1 following the
26 general election as provided in section 41(b) of this chapter.

27 (d) If a majority of the ballots cast by the electors voting on any
28 question is "No", the judge whose name appeared on the question shall
29 be rejected. The office of the rejected judge is vacant on January 1
30 following the rejection. The vacancy shall be filled by appointment by
31 the governor under section 38 of this chapter.

32 (e) The Lake County election board shall submit the question of the
33 retention in office or rejection of a judge described in subsection (a) to
34 the electorate of Lake County. The submission of the question is
35 subject to the provisions of IC 3 that are not inconsistent with this
36 chapter.

37 **(f) A judge who wishes to be retained in office shall file a**
38 **statement with the secretary of state, not later than noon July 15**
39 **of the year in which the question of retention of the judge is to be**
40 **placed on the general election ballot, indicating that the judge**
41 **wishes to have the question of the judge's retention placed on the**
42 **ballot. The judge's statement must include a statement of the**



- 1 judge's name as:
 2 (1) the judge wants the judge's name to appear on the ballot;
 3 and
 4 (2) the candidate's name is permitted to appear on the ballot
 5 under IC 3-5-7.
 6 (f) (g) If a judge who is appointed does not desire to serve any
 7 further term, the judge shall notify in writing the clerk of the Lake
 8 circuit court at least sixty (60) days before any general election, in
 9 which case file the statement required under subsection (f), the
 10 question of that judge's retention in office or rejection shall not be
 11 submitted to the electorate, and the office becomes vacant at the
 12 expiration of the term.
 13 SECTION 76. IC 33-33-71-42 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 42. (a) Each judge
 15 appointed serves an initial term that begins on the effective date of the
 16 judge's appointment and continues through December 31 in the year of
 17 the general election that follows the expiration of two (2) years after the
 18 effective date of the judge's appointment.
 19 (b) Thereafter, unless the judge:
 20 (1) is rejected by the electorate of St. Joseph County under this
 21 chapter; or
 22 (2) does not file the statement required under section 43 of
 23 this chapter;
 24 each judge of the St. Joseph superior court serves successive six (6)
 25 year terms. Each successive six (6) year term begins on the first day of
 26 January following the expiration of the preceding initial term or the
 27 preceding six (6) year term and continues for six (6) years.
 28 SECTION 77. IC 33-33-71-43, AS AMENDED BY P.L.58-2005,
 29 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2017]: Sec. 43. (a) The question of the retention in office or
 31 rejection of each judge of the St. Joseph superior court shall be
 32 submitted to the electorate of St. Joseph County at the general election
 33 immediately preceding expiration of the term of that judge.
 34 (b) A judge who wishes to be retained in office shall file a
 35 statement with the secretary of state, not later than noon July 15
 36 of the year in which the question of retention of the judge is to be
 37 placed on the general election ballot, indicating that the judge
 38 wishes to have the question of the judge's retention placed on the
 39 ballot. The judge's statement must include a statement of the
 40 judge's name as:
 41 (1) the judge wants the judge's name to appear on the ballot;
 42 and



- 1 **(2) the candidate's name is permitted to appear on the ballot**
 2 **under IC 3-5-7.**
- 3 ~~(b)~~ **(c)** If a judge subject to this chapter does not desire to serve a
 4 further term, the judge shall notify the judge's intention in writing to the
 5 clerk of the St. Joseph circuit court at least sixty ~~(60)~~ days before the
 6 general election immediately preceding expiration of the judge's term
 7 in which case **file the statement required under subsection (b)**, the
 8 question of the judge's retention in office or rejection may not be
 9 submitted to the electorate, and the office is vacant at the expiration of
 10 the term.
- 11 ~~(c)~~ **(d)** The St. Joseph County election board shall submit the
 12 question of the retention in office or rejection of any judge to the
 13 electorate of St. Joseph County. The submission of this question is
 14 subject to the provisions of IC 3 that are not inconsistent with this
 15 chapter.
- 16 ~~(d)~~ **(e)** At the general election, the question of the retention in office
 17 or rejection of a judge shall be submitted to the electorate of St. Joseph
 18 County in the form prescribed by IC 3-11 and must state "Shall Judge
 19 (insert name) of the St. Joseph superior court be retained in office for
 20 an additional term?".
- 21 ~~(e)~~ **(f)** If a majority of the ballots cast by the electors voting on the
 22 question is "No", the judge whose name appeared on such question is
 23 rejected. The office of the rejected judge is vacant on January 1
 24 following the rejection. The vacancy shall be filled by appointment of
 25 the governor under section 40 of this chapter. The name of the rejected
 26 judge may not be included among those submitted to the governor.
 27 However, the judge's rejection does not disqualify a rejected judge
 28 from being considered for another judicial office that becomes vacant.
- 29 SECTION 78. IC 33-35-1-1, AS AMENDED BY P.L.164-2006,
 30 SECTION 141, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) During ~~2006~~ **2018** and every
 32 fourth year after that, a second or third class city or a town may by
 33 ordinance establish or abolish a city or town court. An ordinance to
 34 establish a city or town court must be adopted not less than one (1) year
 35 before the judge's term would begin under section 3 of this chapter.
- 36 (b) The judge for a court established under subsection (a) shall be
 37 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in
 38 November ~~2007~~ **2019** and every four (4) years thereafter.
- 39 (c) A court established under subsection (a) comes into existence on
 40 January 1 of the year following the year in which a judge is elected to
 41 serve in that court.
- 42 (d) A city or town court in existence on January 1, 1986, may



1 continue in operation until it is abolished by ordinance.

2 (e) A city or town that establishes or abolishes a court under this
3 section shall give notice of its action to the division of state court
4 administration of the office of judicial administration under IC 33-24-6.

5 SECTION 79. IC 36-5-2-4.1, AS AMENDED BY P.L.271-2013,
6 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2017]: Sec. 4.1. (a) The legislative body may, by ordinance,
8 divide the town into districts for the purpose of conducting elections of
9 town officers.

10 (b) A town legislative body district must comply with the following
11 standards:

12 (1) The district must be composed of contiguous territory, except
13 for territory that is not contiguous to any other part of the town.

14 (2) The district must be reasonably compact.

15 (3) The district must contain, as nearly as is possible, equal
16 population.

17 (4) The district may not cross a census block boundary except
18 when following a precinct boundary line or unless the ordinance
19 specifies that the census block has no population and is not likely
20 to ~~ever~~ have population **before the effective date of the next**
21 **federal decennial census.**

22 (5) The district may not cross precinct lines, except as provided
23 in subsection (c).

24 (c) The boundary of a town legislative body district established
25 under subsection (a) may cross a precinct boundary line if:

26 (1) the legislative body provides by ordinance under section 5 of
27 this chapter that all legislative body members are to be elected at
28 large by the voters of the whole town; or

29 (2) the district would not otherwise contain, as nearly as is
30 possible, equal population.

31 (d) If any territory in the town is not included in one (1) of the
32 districts established under this section, the territory is included in the
33 district that:

34 (1) is contiguous to that territory; and

35 (2) contains the least population of all districts contiguous to that
36 territory.

37 (e) If any territory in the town is included in more than one (1) of the
38 districts established under this section, the territory is included in the
39 district that:

40 (1) is one (1) of the districts in which the territory is described in
41 the ordinance adopted under this section;

42 (2) is contiguous to that territory; and



- 1 (3) contains the least population of all districts contiguous to that
2 territory.
- 3 (f) The ordinance may be appealed in the manner prescribed by
4 IC 34-13-6. If the town is located in two (2) or more counties, the
5 appeal may be filed in the circuit or superior court of any of those
6 counties.
- 7 (g) This subsection does not apply to a town with an ordinance
8 described by subsection (h). Except as provided in subsection (k), the
9 division permitted by subsection (a) shall be made:
- 10 (1) during the second year after a year in which a federal
11 decennial census is conducted, subject to IC 3-11-1.5-32; and
12 (2) when required to assign annexed territory to a municipal
13 legislative body district.
- 14 The division may also be made in any other year.
- 15 (h) This subsection applies to a town having a population of less
16 than three thousand five hundred (3,500). The town legislative body
17 may adopt an ordinance providing that:
- 18 (1) town legislative body districts are abolished; and
19 (2) all members of the legislative body are elected at large.
- 20 (i) An ordinance described by subsection (h):
- 21 (1) may not be adopted or repealed during a year in which a
22 municipal election is scheduled to be conducted in the town under
23 IC 3-10-6 or IC 3-10-7; and
24 (2) is effective upon passage.
- 25 (j) A copy of the ordinance establishing districts or a recertification
26 under this section must be filed with the circuit court clerk of the
27 county that contains the greatest population of the town not later than
28 thirty (30) days after the ordinance or recertification is adopted. The
29 filing must include a map of the district boundaries:
- 30 (1) adopted under subsection (a); or
31 (2) recertified under subsection (k).
- 32 (k) This subsection applies during the second year after a year in
33 which a federal decennial census is conducted. If the legislative body
34 determines that a division under subsection (a) is not required, the
35 legislative body shall adopt an ordinance recertifying that the districts
36 as drawn comply with this section.
- 37 (l) The limitations set forth in this section are part of the ordinance,
38 but do not have to be specifically set forth in the ordinance. The
39 ordinance must be construed, if possible, to comply with this chapter.
40 If a provision of the ordinance or an application of the ordinance
41 violates this chapter, the invalidity does not affect the other provisions
42 or applications of the ordinance that can be given effect without the



- 1 invalid provision or application. The provisions of the ordinance are
 2 severable.
- 3 (m) If a conflict exists between:
- 4 (1) a map showing the boundaries of a district; and
- 5 (2) a description of the boundaries of that district set forth in the
 6 ordinance;
- 7 the district boundaries are the description of the boundaries set forth in
 8 the ordinance, not the boundaries shown on the map, to the extent there
 9 is a conflict between the description and the map.
- 10 **(n) This subsection applies to a town having a population of less**
 11 **than three thousand five hundred (3,500). If the town legislative**
 12 **body has not:**
- 13 **(1) adopted an ordinance under subsection (a) and subject to**
 14 **subsection (g) after December 31, 2011; or**
- 15 **(2) adopted an ordinance recertifying districts under**
 16 **subsection (k) after December 31, 2011;**
- 17 **the town legislative body districts are abolished, effective January**
 18 **1, 2018. A town described by this subsection may adopt an**
 19 **ordinance to establish town legislative body districts in accordance**
 20 **with subsection (a) and subject to subsection (g) after January 1,**
 21 **2018.**
- 22 SECTION 80. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 442, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 10, after "election" insert "**or the municipal election**".

Page 4, line 14, after "ballot" insert "**, or any other petition filed that requires the county voter registration office to certify the validity of signatures,**".

Page 12, reset in roman lines 34 through 37.

Page 12, line 38, delete "the last Friday".

Page 12, line 38, reset in roman "year,".

Page 12, line 38, delete "month,".

Page 39, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 45. IC 3-11-1.5-32.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 32.7. (a) A precinct boundary does not change automatically whenever either of the following occurs:**

(1) The boundaries of a political subdivision change as the result of annexation or disannexation of territory.

(2) The boundaries of an election district within a political subdivision are changed by the political subdivision.

(b) A precinct boundary may be changed only as provided in this chapter."

Page 39, delete lines 21 through 25, begin a new paragraph and insert:

"(b) Whenever candidates are to be elected to a school board office that includes both an at-large member and a member representing a district, the candidates seeking election as a member representing a district shall be placed on the ballot before candidates seeking election as an at-large member."

Page 39, delete lines 26 through 32.

Page 44, line 23, strike "have".

Page 44, line 23, delete "each" and insert "**randomly select at least ten percent (10%)**".

Page 44, line 24, strike "tested" and insert "**for testing**".

Page 44, line 25, after "questions." insert "**If an individual attending the public test requests that additional automatic tabulating machines be tested, then the county election board shall randomly select and test additional machines up to a maximum of**



fifteen percent (15%) of the machines that will be used at the next election."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 442 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 7, Nays 2.

