

SENATE BILL No. 560

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13-1; IC 3-14-2-1; IC 5-8-6-3; IC 7.1-3-20-16.1; IC 13-11-2-74; IC 20-23; IC 20-24-2.3-2; IC 20-46-1-14; IC 33-35-1-1; IC 35-52-36-1.5; IC 36-1; IC 36-2; IC 36-5-1-20; IC 36-6-6-2; IC 36-9-13-2; IC 36-9-27-5.

Synopsis: Various election law matters. Removes provisions relating to candidates for President of the United States filing ballot placement requests with the secretary of state. Provides that a candidate for President of the United States may pay a filing fee of \$20,000 instead of obtaining signatures on a petition for placement on the primary election ballot. Provides that a voter may not change the political party primary ballot that the voter has requested. Establishes a procedure for completing a voter's ballot if the voter does not complete the procedures for casting the voter's ballot. Provides that an electronic poll book may not be used at an election if the poll book is delivered to the county election board less than 60 days before the election unless the voting system technical oversight program (VSTOP) has previously authorized in writing to the contrary. Provides that a precinct may not be established if any precinct would have less than 600 active voters
(Continued next page)

Effective: Upon passage; July 1, 2019.

Houchin

January 14, 2019, read first time and referred to Committee on Elections.



except in certain circumstances. Requires a county election board to take certain actions regarding a provisional ballot that is cast by an individual who is registered to vote in an Indiana county other than the county in which the provisional ballot was cast. Requires all counties to count absentee ballots at a central location. Establishes standards for issuance of an order by an Indiana court or administrative agency to extend the hour for closing of the polls. Establishes standards for determining a vote for President of the United States or governor of a voter who casts a federal write-in absentee ballot. Provides that an early candidate vacancy is to be filled by a process determined by a political party's state party rules. Provides that any voter of a school corporation may challenge a candidate for election to the governing body of the school corporation if there is no candidate who is entitled to contest the election of the candidate. Makes various technical changes in election law relating to: (1) ballots; (2) election administration; (3) voter registration; (4) candidates; (5) public questions; (6) polling places; (7) initialing ballots; (8) payment of expenses of the state recount commission; and (9) certification of public questions relating to certain school corporation tax levies. Updates dates and other references in the election law. Repeals a provision relating to preservation of certain documents relating to elections in small towns. Repeals several provisions relating to filling early candidate vacancies. Repeals statutes authorizing establishment of a single county executive. Removes obsolete application provisions and other references.



Introduced

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 560

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 3-5-2-22, AS AMENDED BY P.L.77-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 22. "Executive" means the **following**:
4 (1) **The** board of county commissioners, for a county that
5 ~~(A)~~ does not have a consolidated city. ~~and~~
6 ~~(B)~~ is not subject to IC 36-2-2.5;
7 (2) ~~single county executive elected under IC 3-10-2-13~~, for a
8 county that:
9 ~~(A)~~ does not have a consolidated city; and
10 ~~(B)~~ is subject to IC 36-2-2.5;
11 ~~(3)~~ (2) **The** mayor of the consolidated city, for a county having a
12 consolidated city.
13 ~~(4)~~ (3) **The** mayor, for a city.
14 ~~(5)~~ (4) **The** president of the town council, for a town. ~~or~~
15 ~~(6)~~ (5) **The** trustee, for a township.



1 SECTION 2. IC 3-5-4-1.3 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2019]: **Sec. 1.3. (a) Not later than the close of one (1) business day**
 4 **after a person files a declaration of candidacy, a request for**
 5 **placement on the presidential primary ballot, a certificate of**
 6 **nomination by a convention, a certificate of nomination by petition,**
 7 **a certification of candidate selection to fill a ballot vacancy, or a**
 8 **declaration of intent to be a write-in candidate in the office of the**
 9 **election division or circuit court clerk, the election division or**
 10 **circuit court clerk shall send a statement to the candidate by:**

11 (1) hand delivery;

12 (2) first class United States mail; or

13 (3) electronic mail, if an electronic mail address has been
 14 provided by the person;

15 to the mailing address or electronic mail address set forth in the
 16 document filed with the office.

17 (b) The statement must set forth the following:

18 (1) That the candidate has filed the document described in
 19 subsection (a).

20 (2) The name of the candidate.

21 (3) The office for which the individual is a candidate.

22 (4) The date on which the document was filed.

23 (5) That acceptance of the document for filing does not
 24 prevent the filing from being challenged in the manner set
 25 forth in this title.

26 SECTION 3. IC 3-5-7-5 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A candidate may use on the
 28 ballot any combination of designations permitted by this section.

29 (b) A candidate may not use on the ballot a designation other than
 30 a designation permitted by this section.

31 (c) Subject to subsections (d) and (e), a candidate may use
 32 designations on the ballot as follows:

33 (1) The first designation that a candidate uses on the ballot may
 34 be one (1) of the following:

35 (A) The candidate's legal given name.

36 (B) The initial of the candidate's legal given name.

37 (C) The candidate's legal middle name.

38 (D) The initial of the candidate's legal middle name.

39 (E) The candidate's nickname.

40 (2) After the designation used under subdivision (1), a candidate
 41 may use any of the following designations if not used under
 42 subdivision (1):



- 1 (A) The candidate's legal middle name.
 2 (B) The initial of the candidate's legal middle name.
 3 (C) The candidate's nickname.
 4 (D) The candidate's legal surname.
 5 (3) After a designation used under subdivision (2), a candidate
 6 may use the following if not used under subdivision (1) or (2):
 7 (A) The candidate's nickname.
 8 (B) The candidate's legal surname.
 9 (4) After a designation used under subdivision (3), a candidate
 10 may use the candidate's legal surname on the ballot if not used
 11 under subdivision (2) or (3).
 12 (5) After a candidate's legal surname, a candidate may use any of
 13 the following designations:
 14 (A) Sr.
 15 (B) Jr.
 16 (C) A numerical designation such as "II" or "III".
 17 (d) A candidate may use a nickname on the ballot only if the
 18 nickname satisfies the following:
 19 (1) The nickname is a name by which the candidate is commonly
 20 known.
 21 (2) The nickname does not exceed twenty (20) characters.
 22 (3) The nickname complies with subsection (e).
 23 (4) Unless the candidate uses the nickname as the first
 24 designation under subsection (c)(1), **notwithstanding any other**
 25 **method of designation used by a candidate or in a document**
 26 **declaring or consenting to the individual's candidacy, the any**
 27 **nickname permitted under this section must appear in be set**
 28 **forth on the ballot within parentheses.**
 29 (e) A candidate may not use a:
 30 (1) title or degree as a designation; or
 31 (2) designation that implies a title or degree.
 32 SECTION 4. IC 3-5-8-5 IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2019]: Sec. 5. Not later than ~~thirty (30)~~
 34 **twenty-nine (29)** days before a primary, general, or municipal election,
 35 the secretary of state shall request Indiana news media to include a
 36 copy of the voter's bill of rights as part of election coverage or in public
 37 service announcements.
 38 SECTION 5. IC 3-6-2-10.5, AS ADDED BY P.L.205-2013,
 39 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 10.5. ~~(a) This section applies to all counties after~~
 41 ~~June 30, 2013.~~
 42 ~~(b)~~ The county chairman of a major political party shall, upon the



1 request of a person who is serving in an elected office (as defined in
2 IC 3-5-2-17), provide to that person the name and address of the
3 precinct committeeman and vice committeeman of that party for each
4 precinct in the county.

5 SECTION 6. IC 3-6-4.2-3.2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.2. A co-director
7 serves a term of four (4) years, beginning January 1, ~~1999~~, **2019**, and
8 continuing until the co-director's successor has been appointed and
9 qualified.

10 SECTION 7. IC 3-6-5-13, AS AMENDED BY P.L.116-2018,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2019]: Sec. 13. (a) Each county election board shall keep
13 minutes of all meetings of the board, including a written record of the
14 aye and nay vote of each member on all questions coming before the
15 board.

16 (b) The circuit court clerk shall permanently retain the board
17 minutes.

18 **(c) After ballots are printed by the county for each primary,**
19 **general, municipal, or special election, the clerk shall retain one (1)**
20 **regular official ballot from each township in the county and one (1)**
21 **provisional ballot from any precinct in the county as part of the**
22 **minutes.**

23 SECTION 8. IC 3-6-12-2, AS ADDED BY P.L.186-2013,
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2019]: Sec. 2. As used in this chapter, "petition carrier" refers
26 to an individual who circulates a petition that is required to place a
27 candidate or a public question on the ballot. **The term includes a**
28 **candidate circulating a petition for the candidate's placement on**
29 **the ballot.**

30 SECTION 9. IC 3-7-26.3-23 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 23. **(a)** The
32 computerized list must include absentee ballot management features
33 that do the following:

- 34 (1) Manage absentee ballots based on the type, eligibility, and
35 status of the absentee voter.
- 36 (2) Permit the printing of absentee labels by group or date, or by
37 individual for use by a voter voting in person at the county
38 election board office.
- 39 (3) Permit the documentation of the date on which each absentee
40 ballot is issued and returned.
- 41 (4) Permit the printing of absentee ballot applications with voter
42 registration information for the absentee ballot applicant.



1 **(b) The computerized list must require that a report containing**
 2 **information concerning absentee applications and voting by**
 3 **specified individuals be generated in CSV format with dashes.**

4 SECTION 10. IC 3-7-26.3-34, AS ADDED BY P.L.216-2015,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 34. ~~Beginning not later than January 7, 2016;~~
 7 The secretary of state and the co-directors of the election division shall
 8 provide the information regarding:

- 9 (1) the location of polling places and vote center locations; and
 10 (2) the:

11 (A) names of candidates who; and

12 (B) public questions that;

13 will appear on ballots in an election;

14 necessary for Indiana to participate in the Voting Information Project
 15 sponsored by ~~The Pew Charitable Trusts: Democracy Works, Inc.~~

16 SECTION 11. IC 3-7-26.7-4, AS ADDED BY P.L.120-2009,
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2019]: Sec. 4. ~~After June 30, 2010;~~ An individual described
 19 in section 1 of this chapter may submit a voter registration application
 20 to a county voter registration office using the procedures set forth in
 21 this chapter.

22 SECTION 12. IC 3-7-33-5, AS AMENDED BY P.L.169-2015,
 23 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 5. (a) When the county voter registration office
 25 receives an application for a new registration or an application with
 26 information that revises or adds information to the applicant's current
 27 voter registration record, the county voter registration office shall
 28 determine if the applicant appears to be eligible to register to vote
 29 based on the information in the application.

30 (b) This subsection does not apply to a voter who indicates:

- 31 (1) under IC 3-7-39-7 or on an absentee application submitted
 32 under IC 3-11-4 that the voter has changed the voter's residence
 33 to an address within the same precinct where the voter's former
 34 address was located; or

- 35 (2) under IC 3-7-41 or an absentee application submitted under
 36 IC 3-11-4 that the voter has changed the voter's name.

37 As required under 52 U.S.C. 20507(a)(2), the county voter registration
 38 office shall send a notice to each person from whom the county voter
 39 registration office receives a voter registration application. The county
 40 voter registration office shall send a notice to the applicant at the
 41 mailing address provided in the application.

42 (c) The notice required by subsection (b) must set forth the



- 1 following:
- 2 (1) A statement that the application has been received.
- 3 (2) The disposition of the application by the county voter
- 4 registration office.
- 5 (3) If the county voter registration office determines that the
- 6 applicant appears to be eligible, the notice must state the
- 7 following:
- 8 (A) Except as provided under subsection (g), the applicant is
- 9 registered to vote under the residence address when the
- 10 applicant receives the notice. An applicant is presumed to
- 11 have received the notice unless the notice is returned by the
- 12 United States Postal Service due to an unknown or insufficient
- 13 address and received by the county voter registration office not
- 14 later than seven (7) days after the notice is mailed to the
- 15 applicant.
- 16 (B) The name of the precinct in which the voter is registered.
- 17 (C) The address of the polling place for the precinct in which
- 18 the voter is registered.
- 19 (4) In accordance with 52 U.S.C. 20302(d), if the county voter
- 20 registration office has denied the application, the notice must
- 21 include the reasons for the denial.
- 22 (d) The notice required by subsection (b) may not include a voter
- 23 identification number.
- 24 (e) The notice required by subsection (b) may include a voter
- 25 registration card.
- 26 (f) If the notice is returned by the United States Postal Service due
- 27 to an unknown or insufficient address, the county voter registration
- 28 office shall determine that the applicant is ineligible and deny the
- 29 application.
- 30 (g) During the seven (7) days following the mailing of the notice to
- 31 the voter under this section, the county voter registration office shall
- 32 indicate in the computerized list maintained under IC 3-7-26.3 that the
- 33 application is pending. If the notice:
- 34 (1) is not returned by the United States Postal Service and
- 35 received by the county voter registration office at; or
- 36 (2) is received by the applicant by United States Postal Service
- 37 delivery and presented in person by the applicant to the county
- 38 voter registration office before;
- 39 the expiration of the seven (7) day period under subsection (c), the
- 40 county voter registration office shall indicate in the computerized list
- 41 that the applicant is a registered voter **at the address set forth by the**
- 42 **applicant as the applicant's current address.**



(h) If:

(1) the application for a new registration or an application with information that revises or adds information to the applicant's current registration record states that the applicant formerly resided or was registered at an address outside the precinct where the address set forth in the application is located; and

(2) the application is denied by the county voter registration office under subsection (f);

the county voter registration office shall cancel any registration record of the voter at the address which the applicant stated is no longer the legal residence of the applicant. If a registration record is canceled under this subsection, the voter may nonetheless vote a regular official ballot at the previous address if the voter makes an oral or written affirmation under IC 3-7-48-5(b) that the voter continues to reside at the previous address.

~~(h)~~ **(i)** This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

(1) the seven (7) day period under subsection (c) expires before election day;

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g); and

(3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of error under IC 3-7-48 to note the addition of the voter to the certified list.

~~(i)~~ **(j)** This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

(1) the seven (7) day period has not expired before election day; and

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional ballot.



1 SECTION 13. IC 3-7-38.2-16.1, AS ADDED BY P.L.201-2017,
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 16.1. ~~(a) This section applies only after December~~
 4 ~~31, 2018.~~

5 ~~(b) During each odd-numbered year, the NVRA official shall~~
 6 ~~conduct a residency confirmation and outreach procedure under this~~
 7 ~~chapter. The NVRA official (or a contractor acting on behalf of the~~
 8 ~~NVRA official) shall send a nonforwardable mailing by U.S. mail,~~
 9 ~~postage prepaid, to each active voter (as defined in IC 3-11-18.1-2) in~~
 10 ~~Indiana at the voter's mailing address.~~

11 SECTION 14. IC 3-8-1-21, AS AMENDED BY P.L.77-2014,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 21. ~~(a) A candidate for the office of county~~
 14 ~~commissioner must:~~

- 15 (1) have resided in the county for at least one (1) year before the
- 16 election, as provided in Article 6, Section 4 of the Constitution of
- 17 the State of Indiana; and
- 18 (2) have resided in the district in which seeking election, if
- 19 applicable, for at least six (6) months before the election.

20 ~~(b) This subsection applies only to elections in a county in which a~~
 21 ~~single county executive under IC 36-2-2.5 is elected under~~
 22 ~~IC 3-10-2-13. A candidate for the office of single county executive~~
 23 ~~must have resided in the county for at least one (1) year before the~~
 24 ~~election, as provided in Article 6, Section 4 of the Constitution of the~~
 25 ~~State of Indiana.~~

26 SECTION 15. IC 3-8-2-12 IS REPEALED [EFFECTIVE JULY 1,
 27 2019]. Sec. 12. ~~(a) Not later than the close of one (1) business day after~~
 28 ~~a person files a declaration of candidacy in the office of the election~~
 29 ~~division or circuit court clerk, the election division or circuit court clerk~~
 30 ~~shall send a statement to the candidate by:~~

- 31 ~~(1) hand delivery;~~
- 32 ~~(2) first class United States mail; or~~
- 33 ~~(3) electronic mail.~~

34 ~~(b) The election division or circuit court clerk shall send the~~
 35 ~~statement (or a scanned copy of the statement; if the statement is sent~~
 36 ~~by electronic mail) to the mailing address or electronic mail address set~~
 37 ~~forth in the declaration of candidacy.~~

38 ~~(c) The statement must show the following:~~

- 39 ~~(1) That the candidate has filed a declaration.~~
- 40 ~~(2) The name of the candidate.~~
- 41 ~~(3) The office for which the individual is a candidate.~~
- 42 ~~(4) The date on which the declaration was filed.~~



1 SECTION 16. IC 3-8-3-1 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section applies to
 3 candidates affiliated with a major political party of the state.

4 (b) A candidate of a major political party for nomination for the
 5 office of President of the United States during the period under
 6 IC 3-8-2-4 in which a declaration of candidacy may be filed for the
 7 primary election held in the year in which a President is to be elected,
 8 shall file with the election division a request that the candidate's name
 9 be placed upon the ballot under the label of the political party whose
 10 nomination the candidate is seeking.

11 ~~(c) A candidate described under subsection (b) may, in the~~
 12 ~~alternative, file the request with the secretary of state. If the secretary~~
 13 ~~of state receives a request under this subsection, the secretary shall~~
 14 ~~immediately forward the request to the election division.~~

15 (d) Notwithstanding subsection (b), a request filed on the final day
 16 permitted under subsection (b) must be filed with the secretary of state.
 17 For all other purposes under this title, a request filed with the secretary
 18 of state is subject to the same procedures and requirements as a request
 19 filed with the election division.

20 SECTION 17. IC 3-8-3-2, AS AMENDED BY P.L.169-2015,
 21 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]: Sec. 2. (a) **Except as provided in section 5.5 of this**
 23 **chapter**, a request filed under section 1 of this chapter must be
 24 accompanied by a petition signed by at least four thousand five
 25 hundred (4,500) voters of the state, including at least five hundred
 26 (500) voters from each congressional district.

27 (b) Each petition must contain the following:

- 28 (1) The signature of each petitioner.
- 29 (2) The name of each petitioner legibly printed.
- 30 (3) The residence address of each petitioner as set forth on the
 31 petitioner's voter registration record.

32 (c) Except as provided in this subsection, the signature, printed
 33 name, and residence address of the petitioner must be made in writing
 34 by the petitioner. If a petitioner with a disability is unable to write this
 35 information on the petition, the petitioner may authorize an individual
 36 to do so on the petitioner's behalf. The individual acting under this
 37 subsection shall execute an affidavit of assistance for each such
 38 petitioner, in a form prescribed by the election division. The form must
 39 set forth the name and address of the individual providing assistance,
 40 and the date the individual provided the assistance. The form must be
 41 submitted with the petition.

42 (d) This subsection applies to a petition filed during the period:



1 (1) beginning on the date that a congressional district plan has
2 been adopted under IC 3-3; and

3 (2) ending on the date that the part of the act or order issued under
4 IC 3-3-2 establishing the previous congressional district plan is
5 repealed or superseded.

6 The petition must be signed by at least four thousand five hundred
7 (4,500) voters of Indiana, including at least five hundred (500) voters
8 from each congressional district created by the most recent
9 congressional district plan adopted under IC 3-3.

10 SECTION 18. IC 3-8-3-5.5 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2019]: **Sec. 5.5. (a) Instead of filing a petition as provided in this
13 chapter, a candidate may file the request for placement on the
14 presidential primary ballot if the candidate submits a filing fee
15 under this section.**

16 **(b) The presidential primary filing fee is twenty thousand
17 dollars (\$20,000). The fee must be paid by a certified check made
18 out to the State of Indiana. The funds from this fee shall be
19 deposited in the campaign finance enforcement account established
20 by IC 3-6-4.1-24.**

21 **(c) A request for placement on the presidential ballot submitted
22 with a filing fee prescribed under this section must be filed with the
23 election division not later than noon, seven (7) days after the first
24 day that a declaration of candidacy for other primary candidates
25 may be filed under IC 3-8-2-4.**

26 SECTION 19. IC 3-8-3-7.5 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2019]: **Sec. 7.5. (a) A person who files a request for ballot
29 placement under this chapter may file a statement prescribed
30 under IC 3-5-4-8 stating that the person does not wish the person's
31 name to appear on the presidential primary ballot as a candidate.**

32 **(b) A statement filed under this section must be filed with the
33 election division not later than noon seventy-five (75) days before
34 the date set for holding the primary election.**

35 SECTION 20. IC 3-8-5-2, AS AMENDED BY P.L.74-2017,
36 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: **Sec. 2. (a) A candidate for a town office may be
38 nominated by a major political party using any of the following
39 methods:**

40 (1) By convention conducted under this chapter.

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



1 (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 (d), a town shall use the convention method described in
 7 this chapter to nominate major political party candidates for town
 8 offices.

9 (c) A candidate may also be nominated for a town office by:

- 10 (1) a declaration of write-in candidacy under IC 3-8-2-4;
 11 (2) a town convention of a political party described in section 17
 12 of this chapter; or
 13 (3) a petition under IC 3-8-6.

14 (d) The town legislative body may adopt an ordinance not later than
 15 January 1 of the year in which a municipal election is held to establish
 16 a primary election for the nomination of major political party
 17 candidates. The town clerk-treasurer shall ~~send file~~ a copy of the
 18 ordinance ~~to with~~ the circuit court clerk of the county that contains the
 19 greatest percentage of the town's population **not later than noon sixty**
 20 **(60) days after the ordinance is adopted.**

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

- 24 (1) The county election board of the county that contains the
 25 greatest percentage of the town's population shall conduct the
 26 primary election for the town.
 27 (2) All statutes governing primary elections for towns apply.
 28 (3) The town may not change the method of nominating
 29 candidates for town offices more than one (1) time in any twelve
 30 (12) year period.

31 SECTION 21. IC 3-8-5-15 IS REPEALED [EFFECTIVE JULY 1,
 32 2019]. ~~Sec. 15: A town clerk-treasurer shall preserve in the~~
 33 ~~clerk-treasurer's office:~~

- 34 ~~(1) all certificates of nomination and declarations of candidacy~~
 35 ~~filed with the town clerk-treasurer under this chapter; and~~
 36 ~~(2) all petitions of nomination filed under IC 3-8-6-10;~~
 37 ~~for the period required under IC 3-10-1-31 or IC 3-10-1-31.1 after the~~
 38 ~~municipal election for which the nominations were made.~~

39 SECTION 22. IC 3-8-7-8, AS AMENDED BY P.L.128-2017,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]: Sec. 8. (a) This section applies to a state convention
 42 conducted by a political party described by IC 3-8-4-1.



1 (b) The state chairman and state secretary of the political party
 2 holding the state convention shall certify each candidate nominated at
 3 the convention to the secretary of state not later than noon July 15
 4 before the general election.

5 (c) The certificate must be in writing and state the following:

6 (1) The name of each candidate nominated as:

7 (A) the candidate wants the candidate's name to appear on the
 8 ballot; and

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

11 (2) Each candidate's residence address.

12 (3) Whether each candidate nominated by the convention has
 13 complied with IC 3-9-1-5 by filing a campaign finance statement
 14 of organization.

15 (4) The following statements:

16 (A) A statement that the candidate has attached either of the
 17 following to the certificate:

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

21 (ii) A receipt, ~~or~~ photocopy of a receipt, **or electronic mail**
 22 **from the office of the inspector general or judicial**
 23 **qualifications commission**, showing that a statement of
 24 economic interests has been filed.

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

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

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

38 (D) A statement that the candidate:

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

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



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

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

5 (d) The election division shall prescribe the form of the certificate
6 of nomination for the offices. The election division shall provide that
7 the form of the certificate of nomination include the following
8 information:

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

12 (e) A certificate of nomination must include a statement that the
13 candidate requests the name on the candidate's voter registration record
14 be the same as the name the candidate uses on the certificate of
15 nomination. If there is a difference between the name on the candidate's
16 certificate of nomination and the name on the candidate's voter
17 registration record, the officer with whom the certificate of nomination
18 is filed shall forward the information to the voter registration officer of
19 the appropriate county as required by IC 3-5-7-6(e). The voter
20 registration officer of the appropriate county shall change the name on
21 the candidate's voter registration record to be the same as the name on
22 the candidate's certificate of nomination.

23 (f) The certificate of nomination must be signed by the state
24 chairman and state secretary of the political party holding the
25 convention, and set forth the name and residence of the chairman and
26 secretary. The chairman and secretary shall acknowledge the certificate
27 before an individual authorized to administer oaths under IC 33-42-9.
28 The signed acknowledgment must be included in the certificate of
29 nomination executed under this section.

30 SECTION 23. IC 3-8-9-1, AS ADDED BY P.L.90-2012, SECTION
31 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
32 2019]: Sec. 1. This chapter applies only to candidates for local or
33 school board offices. ~~elected after December 31, 2012.~~

34 SECTION 24. IC 3-10-1-4.5, AS AMENDED BY P.L.216-2015,
35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2019]: Sec. 4.5. (a) Except as provided in section 4.6 of this
37 chapter, precinct committeemen shall be elected on the first Tuesday
38 after the first Monday in May ~~2018~~ **2022** and every four (4) years
39 thereafter.

40 (b) The rules of a political party may specify whether a precinct
41 committeeman elected under subsection (a) continues to serve as a
42 precinct committeeman after the boundaries of the precinct are



1 changed by a precinct establishment order issued under IC 3-11-1.5.

2 SECTION 25. IC 3-10-1-19, AS AMENDED BY P.L.21-2016,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 19. (a) The ballot for a primary election shall be
5 printed in substantially the form described in this section for all the
6 offices for which candidates have qualified under IC 3-8.

7 (b) The following shall be printed as the heading for the ballot for
8 a political party:

9 "OFFICIAL PRIMARY BALLOT

10 _____ Party (insert the name of the political party)".

11 (c) The following shall be printed immediately below the heading
12 required by subsection (b) or be posted in each voting booth as
13 provided in IC 3-11-2-8(b):

14 (1) For paper ballots, print: To vote for a person, make a voting
15 mark (X or ✓) on or in the box before the person's name in the
16 proper column.

17 (2) For optical scan ballots, print: To vote for a person, darken or
18 shade in the circle, oval, or square (or draw a line to connect the
19 arrow) that precedes the person's name in the proper column.

20 (3) For optical scan ballots that do not contain a candidate's name,
21 print: To vote for a person, darken or shade in the oval that
22 precedes the number assigned to the person's name in the proper
23 column.

24 (4) For electronic voting systems, print: To vote for a person,
25 touch the screen (or press the button) in the location indicated.

26 (d) Local public questions shall be placed on the primary election
27 ballot after the heading and the voting instructions described in
28 subsection (c) (if the instructions are printed on the ballot) and before
29 the offices described in subsection (g).

30 (e) The local public questions described in subsection (d) shall be
31 placed as follows:

32 (1) In a separate column on the ballot if voting is by paper ballot.

33 (2) After the heading and the voting instructions described in
34 subsection (c) (if the instructions are printed on the ballot) and
35 before the offices described in subsection (g), in the form
36 specified in IC 3-11-13-11 if voting is by ballot card.

37 (3) As provided by either of the following if voting is by an
38 electronic voting system:

39 (A) On a separate screen for a public question.

40 (B) After the heading and the voting instructions described in
41 subsection (c) (if the instructions are printed on the ballot) and
42 before the offices described in subsection (g), in the form



- 1 specified in IC 3-11-14-3.5.
- 2 (f) A public question shall be placed on the primary election ballot
- 3 in the following form:
- 4 (The explanatory text for the public question,
- 5 if required by law.)
- 6 "Shall (insert public question)?"
- 7 YES
- 8 NO
- 9 (g) The offices with candidates for nomination shall be placed on
- 10 the primary election ballot in the following order:
- 11 (1) Federal and state offices:
- 12 (A) President of the United States.
- 13 (B) United States Senator.
- 14 (C) Governor.
- 15 (D) United States Representative.
- 16 (2) Legislative offices:
- 17 (A) State senator.
- 18 (B) State representative.
- 19 (3) Circuit offices and county judicial offices:
- 20 (A) Judge of the circuit court, and unless otherwise specified
- 21 under IC 33, with each division separate if there is more than
- 22 one (1) judge of the circuit court.
- 23 (B) Judge of the superior court, and unless otherwise specified
- 24 under IC 33, with each division separate if there is more than
- 25 one (1) judge of the superior court.
- 26 (C) Judge of the probate court.
- 27 (D) Prosecuting attorney.
- 28 (E) Circuit court clerk.
- 29 (4) County offices:
- 30 (A) County auditor.
- 31 (B) County recorder.
- 32 (C) County treasurer.
- 33 (D) County sheriff.
- 34 (E) County coroner.
- 35 (F) County surveyor.
- 36 (G) County assessor.
- 37 (H) County commissioner. ~~This clause applies only to a county~~
- 38 ~~that is not subject to IC 36-2-2.5.~~
- 39 ~~(I) Single county executive. This clause applies only to a~~
- 40 ~~county that is subject to IC 36-2-2.5.~~
- 41 ~~(J) (I) County council member.~~
- 42 (5) Township offices:



- 1 (A) Township assessor (only in a township referred to in
- 2 IC 36-6-5-1(d)).
- 3 (B) Township trustee.
- 4 (C) Township board member.
- 5 (D) Judge of the small claims court.
- 6 (E) Constable of the small claims court.
- 7 (6) City offices:
- 8 (A) Mayor.
- 9 (B) Clerk or clerk-treasurer.
- 10 (C) Judge of the city court.
- 11 (D) City-county council member or common council member.
- 12 (7) Town offices:
- 13 (A) Clerk-treasurer.
- 14 (B) Judge of the town court.
- 15 (C) Town council member.
- 16 (h) The political party offices with candidates for election shall be
- 17 placed on the primary election ballot in the following order after the
- 18 offices described in subsection (g):
- 19 (1) Precinct committeeman.
- 20 (2) State convention delegate.
- 21 (i) The local offices to be elected at the primary election shall be
- 22 placed on the primary election ballot after the offices described in
- 23 subsection (h).
- 24 (j) The offices described in subsection (i) shall be placed as follows:
- 25 (1) In a separate column on the ballot if voting is by paper ballot;
- 26 (2) After the offices described in subsection (h) in the form
- 27 specified in IC 3-11-13-11 if voting is by ballot card.
- 28 (3) Either:
- 29 (A) on a separate screen for each office or public question; or
- 30 (B) after the offices described in subsection (h) in the form
- 31 specified in IC 3-11-14-3.5;
- 32 if voting is by an electronic voting system.
- 33 SECTION 26. IC 3-10-1-24, AS AMENDED BY P.L.76-2014,
- 34 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 UPON PASSAGE]: Sec. 24. (a) A voter who desires to vote must give
- 36 the voter's name and political party to the poll clerks of the precinct on
- 37 primary election day. In a vote center county using an electronic poll
- 38 book, two (2) election officers who are not members of the same
- 39 political party must be present when a voter signs in on the electronic
- 40 poll book. The poll clerks shall require the voter to write the following
- 41 on the poll list or to provide the following information for entry into the
- 42 electronic poll book:



- 1 (1) The voter's name.
- 2 (2) Except as provided in subsection (d), the voter's current
3 residence address.
- 4 (3) The name of the voter's party. **After:**
5 **(A) the voter writes the voter's party on the poll list; or**
6 **(B) the voter's party is entered into the electronic poll**
7 **book;**
8 **the voter may not change the choice of the voter's party.**
- 9 (b) The poll clerks shall:
10 (1) ask the voter to provide or update the voter's voter
11 identification number;
12 (2) tell the voter the number the voter may use as a voter
13 identification number; and
14 (3) explain to the voter that the voter is not required to provide a
15 voter identification number at the polls.
- 16 (c) If the voter is unable to sign the voter's name, the voter must sign
17 the poll list by mark, which must be witnessed by one (1) of the poll
18 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the
19 poll clerk's or assistant poll clerk's initials after or under the mark.
- 20 (d) The poll list (or each line on a poll list sheet provided to take a
21 voter's current residence address) must include a box under the heading
22 "Address Unchanged" so that the voter may check the box instead of
23 writing the voter's current address on the poll list, or if an electronic
24 poll book is used, the poll clerk may check the box after stating to the
25 voter the address shown on the electronic poll book and receiving an
26 oral affirmation from the voter that the voter's residence address shown
27 on the poll list is the voter's current residence address instead of writing
28 the voter's current residence address on the poll list or reentering the
29 address in the electronic poll book.
- 30 (e) If the voter makes:
31 (1) a written affirmation on the poll list (or if an electronic poll
32 book is used, a written affirmation in the manner described in
33 IC 3-7-39-7) that the voter resides at an address within the
34 precinct but not at the address shown on the poll list for the
35 precinct; or
36 (2) an oral affirmation of a change of address under IC 3-7-39-7;
37 the county election board shall direct the county voter registration
38 office to transfer the individual's voter registration record to the address
39 within the precinct indicated by the voter.
- 40 SECTION 27. IC 3-10-2-4, AS AMENDED BY P.L.74-2017,
41 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2019]: Sec. 4. United States Senators shall be elected at a



1 general election held in accordance with 2 U.S.C. 1 and as follows:

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

3 (2) One (1) in ~~2022~~ **2024** and every six (6) years thereafter.

4 SECTION 28. IC 3-10-2-7, AS AMENDED BY P.L.216-2015,
5 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2019]: Sec. 7. The following public officials shall be elected
7 in ~~2018~~ **2022** and every four (4) years thereafter:

8 (1) Secretary of state.

9 (2) Auditor of state.

10 (3) Treasurer of state.

11 SECTION 29. IC 3-10-2-12, AS AMENDED BY P.L.216-2015,
12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2019]: Sec. 12. A prosecuting attorney shall be elected in each
14 judicial circuit in ~~2018~~ **2022** and every four (4) years thereafter in
15 accordance with Article 7, Section 16 of the Constitution of the State
16 of Indiana.

17 SECTION 30. IC 3-10-2-13, AS AMENDED BY P.L.77-2014,
18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2019]: Sec. 13. The following public officials shall be elected
20 at the general election before their terms of office expire and every four
21 (4) years thereafter:

22 (1) Clerk of the circuit court.

23 (2) County auditor.

24 (3) County recorder.

25 (4) County treasurer.

26 (5) County sheriff.

27 (6) County coroner.

28 (7) County surveyor.

29 (8) County assessor.

30 (9) County commissioner. ~~This subdivision applies only to a~~
31 ~~county that is not subject to IC 36-2-2.5.~~

32 ~~(10) Single county executive. This subdivision applies only to a~~
33 ~~county that is subject to IC 36-2-2.5.~~

34 ~~(11)~~ **(10)** County council member.

35 ~~(12)~~ **(11)** Township trustee.

36 ~~(13)~~ **(12)** Township board member.

37 ~~(14)~~ **(13)** Township assessor (only in a township referred to in
38 IC 36-6-5-1(d)).

39 ~~(15)~~ **(14)** Judge of a small claims court.

40 ~~(16)~~ **(15)** Constable of a small claims court.

41 SECTION 31. IC 3-10-6-3, AS AMENDED BY P.L.74-2017,
42 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 3. (a) Notwithstanding section 2 of this chapter,
 2 in a town that adopted an ordinance under IC 18-3-1-16(b) (before its
 3 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its
 4 expiration on January 1, 1988), or section 2.5 of this chapter each
 5 political party shall, at the primary election in:

6 (1) May ~~2018~~ **2022** and every four (4) years thereafter; and

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

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

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

15 (1) May ~~2018~~ **2022** and every four (4) years thereafter; and

16 (2) May 2020 and every four (4) years thereafter;

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

21 (c) Notwithstanding section 2 of this chapter, in a town that adopted
 22 an ordinance under section 2.6 of this chapter each political party shall,
 23 at the primary election in May ~~2016~~ **2020** and every four (4) years
 24 thereafter, nominate candidates for the election to be held under section
 25 6(c) of this chapter, unless a primary election is not required under
 26 section 4 of this chapter. The primary election shall be held under this
 27 chapter.

28 SECTION 32. IC 3-10-6-6, AS AMENDED BY P.L.216-2015,
 29 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 6. (a) Notwithstanding section 5 of this chapter,
 31 a town that adopted an ordinance under IC 18-3-1-16(b) (before its
 32 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its
 33 expiration on January 1, 1988), or section 2.5 of this chapter shall:

34 (1) at the general election in November ~~2018~~ **2022** and every four
 35 (4) years thereafter; and

36 (2) at the municipal election in November 2019 and every four (4)
 37 years thereafter;

38 elect town council members for terms of four (4) years to those offices
 39 whose terms expire at noon January 1 following the election, as
 40 provided in IC 36-5-2-3. The election shall be conducted under this
 41 chapter.

42 (b) Notwithstanding section 5 of this chapter, a town that adopted



1 an ordinance under section 2.6 of this chapter shall:

2 (1) at the general election in November ~~2016~~ **2020** and every four

3 (4) years thereafter; and

4 (2) at the general election in November ~~2018~~ **2022** and every four

5 (4) years thereafter;

6 elect town council members for terms of four (4) years to those offices
7 whose terms expire at noon January 1 of the following year. The
8 election shall be conducted under this chapter.

9 (c) Notwithstanding section 5 of this chapter, a town that adopted
10 an ordinance under section 2.6 of this chapter shall, at the general
11 election in November ~~2016~~ **2020** and every four (4) years thereafter,
12 elect a town clerk-treasurer and town court judge (if a town court has
13 been established under IC 33-35-1-1) to those offices whose terms
14 expire at noon January 1 of the following year. The election shall be
15 conducted under this chapter.

16 SECTION 33. IC 3-10-7-5.7 IS ADDED TO THE INDIANA CODE
17 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
18 1, 2019]: **Sec. 5.7. (a) A town located wholly or partially within a**
19 **county designated as a vote center county under IC 3-11-18.1 may**
20 **adopt a resolution to establish a town election board under this**
21 **section.**

22 **(b) Notwithstanding IC 3-11-18.1, if the town adopts a**
23 **resolution under this section, voters within the town are not subject**
24 **to the requirements of the county voter center plan until the**
25 **resolution adopted under this section expires.**

26 SECTION 34. IC 3-10-8-7.5, AS ADDED BY P.L.219-2013,
27 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 7.5. (a) This section applies to a special election
29 to fill one (1) or more vacancies in the office of United States
30 Representative under 2 U.S.C. 8(b).

31 (b) A special election conducted under this section shall be
32 governed by other provisions of this title as far as applicable.

33 (c) A political party entitled to fill a candidate vacancy under
34 IC 3-13-2 shall nominate a candidate for election to the office under
35 IC 3-13-2-3.

36 (d) A candidate who does not intend to affiliate with a political party
37 described by subsection (c) shall:

38 (1) be nominated as an independent or a candidate of a political
39 party by petition in accordance with IC 3-8-6; or

40 (2) file a declaration of intent to be a write-in candidate under
41 IC 3-8-2-4(b).

42 (e) A certificate of candidate selection under IC 3-13-2-8, a petition



1 of nomination, or a declaration of intent to be a write-in candidate must
 2 be filed with the election division not later than noon thirty-five (35)
 3 days before the special election is to be conducted.

4 (f) A candidate shall file a notice of withdrawal with the election
 5 division not later than noon thirty-three (33) days before the special
 6 election is to be conducted.

7 (g) As required under 2 U.S.C. 8(b)(5)(B), ~~and notwithstanding~~
 8 ~~IC 3-11-10-14~~, a county election board shall accept an absentee ballot
 9 cast by an absent uniformed services voter or an overseas voter for up
 10 to forty-five (45) days after the absentee ballot is transmitted to the
 11 voter.

12 (h) Notwithstanding IC 3-12-5-8(a), if a ballot accepted under
 13 subsection (g) is determined by the county election board to be
 14 otherwise valid, the circuit court clerk shall file an amendment to the
 15 certified statement previously filed under IC 3-12-5-6 with the election
 16 division not later than noon seven (7) days following the determination
 17 of the validity of the ballot. Notwithstanding IC 3-12-5-9, the election
 18 division, the secretary of state, and the governor shall prepare, execute,
 19 and transmit a replacement certificate of election if the amendment
 20 filed under this subsection results in a different candidate receiving the
 21 highest number of votes for the office.

22 SECTION 35. IC 3-10-9-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter applies
 24 to voting on all local public questions **and to any public question**
 25 **under section 4(b) of this chapter.**

26 SECTION 36. IC 3-10-9-4 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The public question
 28 shall be placed on the ballot in substantially the following form:

29 (The explanatory text for the public question, if required by law):

30 "Shall (insert public question)?"

31 YES

32 NO

33 **(b) A public question printed on a ballot shall be set forth**
 34 **without any quotation marks preceding or following the text of the**
 35 **public question.**

36 SECTION 37. IC 3-11-1.5-3.1 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2019]: **Sec. 3.1. (a) Except as provided in**
 39 **subsection (b), after June 30, 2019, a county may not establish a**
 40 **precinct under this chapter so that any precinct has less than six**
 41 **hundred (600) active voters.**

42 **(b) A county may establish a precinct having less than six**



- 1 **hundred (600) active voters if either of the following apply:**
 2 **(1) The precinct to be established would consist of an entire:**
 3 **(A) county commissioner district;**
 4 **(B) county council district;**
 5 **(C) township;**
 6 **(D) city;**
 7 **(E) town;**
 8 **(F) city common council district; or**
 9 **(G) town council district.**
 10 **(2) Establishing the precinct is required so that a boundary of**
 11 **a governmental entity or election district described in section**
 12 **4 of this chapter is not crossed.**
 13 SECTION 38. IC 3-11-2-10, AS AMENDED BY P.L.245-2017,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 10. (a) Public questions shall be placed on the
 16 general election ballot in the following order after the statement
 17 described in section 7 of this chapter, and the instructions described in
 18 subsections (d) and (e) and section 8 of this chapter, if instructions are
 19 printed on the ballot:
 20 (1) Ratification of a state constitutional amendment.
 21 (2) Local public questions.
 22 Subject to section 10.1 of this chapter, each public question shall be
 23 placed in a separate column on the ballot.
 24 (b) The name or title of the political party or independent ticket
 25 described in section 6 of this chapter shall be placed on the general
 26 election ballot after the public questions described in subsection (a).
 27 The device of the political party or independent ticket shall be placed
 28 immediately under the name of the political party or independent ticket.
 29 The instructions for voting a straight party ticket shall be placed to the
 30 right of the device, if instructions are printed on the ballot.
 31 (c) The instructions for voting a straight party ticket must conform
 32 as nearly as possible to the following:
 33 "(1) To vote a straight (insert political party name) ticket for all
 34 (insert political party name) candidates on this ballot, except for
 35 candidates described in (2) below, make a voting mark on or in
 36 this circle and do not make any other marks on this ballot.
 37 (2) To vote for any candidate for an at-large office (insert county
 38 council, city common council, town council, or township board if
 39 those offices appear on this ballot) **to which more than one**
 40 **person may be elected**, you must make another voting mark for
 41 each candidate you wish to vote for. Your straight party vote will
 42 not count as a vote for any candidate for that office.



- 1 (3) If you wish to vote for a candidate seeking a nonpartisan office
 2 or on a public question, you must make another voting mark on
 3 the appropriate place on this ballot."
 4 (d) Except as permitted under section 8(b) of this chapter, if the
 5 ballot contains an independent ticket described in section 6 of this
 6 chapter and at least one (1) other independent candidate, the ballot
 7 must also contain a statement that reads substantially as follows: "A
 8 vote cast for an independent ticket will only be counted for the
 9 candidates for President and Vice President or governor and lieutenant
 10 governor comprising that independent ticket. This vote will NOT be
 11 counted for any OTHER independent candidate appearing on the
 12 ballot."
 13 (e) Except as permitted under section 8(b) of this chapter, the ballot
 14 must also contain a statement that reads substantially as follows: "A
 15 write-in vote will NOT be counted unless the vote is for a DECLARED
 16 write-in candidate. To vote for a write-in candidate, you must make a
 17 voting mark on or in the square to the left of the name you have written
 18 in or your vote will not be counted."
 19 (f) Subject to section 10.1 of this chapter, the list of candidates of
 20 the political party shall be placed immediately under the instructions
 21 for voting a straight party ticket. The names of the candidates shall be
 22 placed three-fourths (3/4) of an inch apart from center to center of the
 23 name. The name of each candidate must have, immediately on its left,
 24 a square three-eighths (3/8) of an inch on each side.
 25 (g) The circuit court clerk may authorize the printing of ballots
 26 containing a ballot variation code to ensure that the proper version of
 27 a ballot is used within a precinct.
 28 SECTION 39. IC 3-11-2-12, AS AMENDED BY P.L.219-2017,
 29 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 12. The following offices shall be placed on the
 31 general election ballot in the following order after the public questions
 32 described in section 10(a) of this chapter:
 33 (1) Federal and state offices:
 34 (A) President and Vice President of the United States.
 35 (B) United States Senator.
 36 (C) Governor and lieutenant governor.
 37 (D) Secretary of state.
 38 (E) Auditor of state.
 39 (F) Treasurer of state.
 40 (G) Attorney general.
 41 (H) Superintendent of public instruction. This clause does not
 42 apply after December 31, 2020.



- 1 (I) United States Representative.
 2 (2) Legislative offices:
 3 (A) State senator.
 4 (B) State representative.
 5 (3) Circuit offices and county judicial offices:
 6 (A) Judge of the circuit court, and unless otherwise specified
 7 under IC 33, with each division separate if there is more than
 8 one (1) judge of the circuit court.
 9 (B) Judge of the superior court, and unless otherwise specified
 10 under IC 33, with each division separate if there is more than
 11 one (1) judge of the superior court.
 12 (C) Judge of the probate court.
 13 (D) Prosecuting attorney.
 14 (E) Clerk of the circuit court.
 15 (4) County offices:
 16 (A) County auditor.
 17 (B) County recorder.
 18 (C) County treasurer.
 19 (D) County sheriff.
 20 (E) County coroner.
 21 (F) County surveyor.
 22 (G) County assessor.
 23 (H) County commissioner. ~~This clause applies only to a county~~
 24 ~~that is not subject to IC 36-2-2.5.~~
 25 ~~(I) Single county executive. This clause applies only to a~~
 26 ~~county that is subject to IC 36-2-2.5.~~
 27 ~~(J) (I) County council member, except as provided in section~~
 28 ~~12.4 of this chapter.~~
 29 (5) Township offices:
 30 (A) Township assessor (only in a township referred to in
 31 IC 36-6-5-1(d)).
 32 (B) Township trustee.
 33 (C) Township board member, except as provided in section
 34 12.4 of this chapter.
 35 (D) Judge of the small claims court.
 36 (E) Constable of the small claims court.
 37 (6) City offices:
 38 (A) Mayor.
 39 (B) Clerk or clerk-treasurer.
 40 (C) Judge of the city court.
 41 (D) City-county council member or common council member,
 42 except as provided in section 12.4 of this chapter.



1 (7) Town offices:

2 (A) Clerk-treasurer.

3 (B) Judge of the town court.

4 (C) Town council member, except as provided in section 12.4
5 of this chapter.

6 SECTION 40. IC 3-11-2-16, AS AMENDED BY P.L.194-2013,
7 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2019]: Sec. 16. (a) If an election board determines that a
9 ballot printed under the authority of the election board does not comply
10 with a requirement imposed by this title or contains any other error or
11 omission that might result in confusion or mistakes by voters, the board
12 shall:

13 (1) reprint or correct the ballot; or

14 (2) conduct a public hearing concerning the defective ballots.

15 (b) The board may conduct the hearing after informing each
16 political party, ticket, or candidate that the board determines may have
17 an interest in the matter.

18 (c) At the hearing, the board shall hear any testimony offered by a
19 person concerning the defective ballots and shall make findings of fact
20 concerning the following:

21 (1) The number of ballots, if any, containing the error or omission
22 that have already been cast.

23 (2) The cost of correcting the error through the use of reprinted
24 ballots or any other suitable method.

25 (3) Whether the error or omission would be likely to cause
26 confusion or mistakes by voters.

27 (4) Whether any voter objects to the use of the ballots,
28 notwithstanding the error or omission.

29 (d) If:

30 (1) a voter does not file a written objection to the use of the
31 ballots with the board before the board concludes the hearing; and

32 (2) the board determines that the use of the ballots would not be
33 likely to cause confusion or mistakes by voters;

34 the board shall authorize the use of the defective ballots,
35 notwithstanding the error or omission.

36 (e) If:

37 (1) a voter files a written objection to the use of the ballots with
38 the board before the board concludes the hearing; or

39 (2) the board determines that the use of the ballots would be likely
40 to cause confusion or mistakes by voters;

41 the board shall order the ballots to be reprinted or altered to conform
42 with the requirements of this title.



1 (f) If the board acts under subsection (a) or (e), a voter who has
 2 already voted a defective ballot by absentee ballot is entitled to recast
 3 the voter's ballot in accordance with ~~IC 3-11-10-1.5~~ or IC 3-11.5-4-2.
 4 Notwithstanding the issuance of an order under subsection (e), a
 5 defective ballot shall be counted if the intent of the voter can be
 6 determined and the ballot would otherwise be counted under IC 3-12-1.

7 SECTION 41. IC 3-11-3-29.3, AS AMENDED BY P.L.169-2015,
 8 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 29.3. (a) This section applies to a candidate who
 10 has filed with the secretary of state or election division as a candidate
 11 for nomination in a primary election.

12 (b) If the election division determines that a candidate for
 13 nomination in a primary has died, the division shall:

14 (1) not include the name of the candidate in the certification
 15 transmitted to the county under IC 3-8-2-17; or

16 (2) if the certification to the county has already been transmitted,
 17 notify the county election board of each county to which the
 18 candidate's name has been previously certified.

19 (c) The county election board shall not print the name of a deceased
 20 candidate described in subsection (b) on a primary ballot. However, if
 21 the county election board has already printed ballots containing the
 22 name of the deceased candidate, the county may provide those ballots
 23 to voters and shall not reprint the ballot to remove the name of the
 24 deceased candidate.

25 (d) A voter who has cast a ballot containing the name of a deceased
 26 candidate is entitled to request a replacement absentee ballot under
 27 ~~IC 3-11-10-1.5~~. **IC 3-11.5-4-2.**

28 (e) If a deceased candidate receives the most votes in a primary
 29 election, a candidate vacancy occurs that the candidate's party may fill
 30 under IC 3-13.

31 SECTION 42. IC 3-11-3-29.4, AS AMENDED BY P.L.169-2015,
 32 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2019]: Sec. 29.4. (a) This section applies to a candidate who
 34 has filed with a circuit court clerk or board of elections and registration
 35 as a candidate for:

36 (1) nomination in a primary election or municipal primary
 37 election; or

38 (2) election to a political party office in a primary election.

39 (b) If the county election board determines by unanimous vote of the
 40 entire membership that there is good cause to believe that a candidate
 41 has died, the board shall not print the name of the candidate on the
 42 primary ballot.



1 (c) However, if the county election board has already printed ballots
 2 containing the name of the deceased candidate, the county may provide
 3 those ballots to voters and shall not reprint the ballot to remove the
 4 name of the deceased candidate.

5 (d) A voter who has cast a ballot containing the name of a deceased
 6 candidate is entitled to request a replacement absentee ballot under
 7 ~~IC 3-11-10-1.5~~. **IC 3-11.5-4-2.**

8 (e) If a deceased candidate receives the most votes in a primary
 9 election, a candidate vacancy occurs that the candidate's party may fill
 10 under IC 3-13.

11 SECTION 43. IC 3-11-4-3, AS AMENDED BY P.L.201-2017,
 12 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (c) and
 14 section 6 of this chapter, an application for an absentee ballot must be
 15 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2,
 16 the director of the board of elections and registration) not earlier than
 17 the date the registration period resumes under IC 3-7-13-10 nor later
 18 than the following:

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

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

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

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

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

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

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

34 (4) 11:59 p.m. on the eighth day before election day if the
 35 application is:

36 (A) a mailed application;

37 (B) transmitted by electronic mail;

38 (C) transmitted by fax; or

39 (D) hand delivered;

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

42 (b) An application for an absentee ballot received by the election



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

9 (c) This subsection applies to the primary election held before the
 10 general election conducted in ~~2018~~ **2022** and every four (4) years
 11 thereafter. An application for an absentee ballot for the primary
 12 election may not be received by the circuit court clerk (or, in a county
 13 subject to IC 3-6-5.2, the director of the board of elections and
 14 registration) earlier than December 1 of the year before the primary
 15 election.

16 SECTION 44. IC 3-11-4-17.7, AS AMENDED BY P.L.128-2015,
 17 SECTION 162, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE UPON PASSAGE]: Sec. 17.7. (a) This section applies
 19 when a voter:

- 20 (1) has been mailed the official ballot under this chapter; and
 21 (2) notifies the county election board that the ballot has been
 22 destroyed, spoiled, lost, or not received by the voter after a
 23 reasonable time has elapsed for delivery of the ballot by mail.

24 (b) As required under 52 U.S.C. 21081, the voter may obtain a
 25 replacement official ballot under the procedures set forth in this chapter
 26 after the voter files a statement with the county election board. The
 27 statement must affirm, under penalties of perjury, that the voter did not
 28 receive the official ballot (or that the ballot was received by the voter,
 29 but was destroyed, spoiled, or lost), and must set forth any facts known
 30 by the voter concerning the destruction, spoiling, or loss of the ballot.

31 (c) After a voter files the statement required under subsection (b),
 32 the county election board may issue a replacement official ballot to the
 33 voter in accordance with this chapter. ~~and shall include information~~
 34 ~~regarding the official replacement ballot in the certification provided~~
 35 ~~to the precinct inspector under section 22 of this chapter.~~

36 **(d) If a voter requests a replacement ballot for a primary**
 37 **election, the county election board may not provide the voter with**
 38 **a primary election ballot for a political party different from the**
 39 **political party indicated in the voter's application for an absentee**
 40 **ballot.**

41 ~~(d)~~ (e) After receiving the official replacement ballot, the voter shall
 42 destroy any spoiled ballot in the possession of the voter or any lost or



1 delayed official ballot that comes into the possession of the voter.

2 SECTION 45. IC 3-11-4-22 IS REPEALED [EFFECTIVE JULY 1,
3 2019]. Sec. 22. Each circuit court clerk shall do both of the following:

4 (1) Keep a separate absentee ballot record for each precinct in the
5 county;

6 (2) Certify to each inspector, at the time that the absentee ballots
7 are delivered, all the following:

8 (A) The number of absentee ballots sent to each absentee
9 voter;

10 (B) The number of absentee ballots marked before the clerk;

11 (C) The names of the voters to whom the ballots were sent or
12 who marked ballots in person;

13 SECTION 46. IC 3-11-7-4, AS AMENDED BY P.L.201-2017,
14 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (b), a
16 ballot card voting system must permit a voter to vote:

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

20 (2) for one (1) or more candidates of each political party or
21 independent candidates, or for one (1) or more school board
22 candidates nominated by petition;

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

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

28 (b) A ballot card voting system must require that a voter who wishes
29 to cast a ballot for a candidate for election to an at-large district **to**
30 **which more than one person may be elected**, on a:

31 (1) county council;

32 (2) city common council;

33 (3) town council; or

34 (4) township board;

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

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

40 (1) for all candidates for presidential electors and alternate
41 presidential electors of a political party or an independent ticket
42 by making a single voting mark; and



1 (2) for or against a public question on which the voter may vote.
 2 SECTION 47. IC 3-11-7.5-10, AS AMENDED BY P.L.201-2017,
 3 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2019]: Sec. 10. (a) Except as provided in subsection (b), an
 5 electronic voting system must permit a voter to vote:

- 6 (1) except at a primary election, a straight party ticket for all the
 7 candidates of one (1) political party by touching the device of that
 8 party;
 9 (2) for one (1) or more candidates of each political party or
 10 independent candidates, or for one (1) or more school board
 11 candidates nominated by petition;
 12 (3) a split ticket for the candidates of different political parties
 13 and for independent candidates; or
 14 (4) a straight party ticket and then split that ticket by casting
 15 individual votes for candidates of another political party or
 16 independent candidates.

17 (b) An electronic voting system must require that a voter who
 18 wishes to cast a ballot for a candidate for election to an at-large district
 19 **to which more than one person may be elected**, on a:

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

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

- 28 (c) An electronic voting system must permit a voter to vote:
 29 (1) for as many candidates for an office as the voter may vote for,
 30 but no more;
 31 (2) for or against a public question on which the voter may vote,
 32 but no other; and
 33 (3) for all the candidates for presidential electors and alternate
 34 presidential electors of a political party or an independent ticket
 35 by making a single voting mark.

36 SECTION 48. IC 3-11-8-3.2, AS AMENDED BY P.L.225-2011,
 37 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: Sec. 3.2. (a) A county executive shall give ten (10)
 39 days notice of the place of voting in each precinct by publication in the
 40 manner prescribed by IC 5-3-1-4. The notice must state whether the
 41 polls are located in an accessible facility.

42 (b) If it is necessary to change a place for voting after giving notice,



1 notice of the change shall be given in the same manner. However,
 2 except as provided in subsection (c), a change may not be made within
 3 two (2) days before an election.

4 (c) If the county election board determines by a unanimous vote of
 5 the board's entire membership that the use of a polling place at an
 6 election would be dangerous or impossible, the county election board
 7 may order the relocation of the polling place during the final two (2)
 8 days before an election. The county election board shall give the best
 9 possible notice of this change to news media and the voters of the
 10 precinct. If an order is adopted under this subsection, the order expires
 11 after the election.

12 **(d) The county election board shall enter the location of each**
 13 **polling place designated by the county executive into the**
 14 **computerized system and update the information as promptly as**
 15 **practical after any change of location is made under this section.**

16 SECTION 49. IC 3-11-8-25.2, AS AMENDED BY P.L.128-2015,
 17 SECTION 178, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2019]: Sec. 25.2. (a) The poll clerk or assistant
 19 poll clerk shall examine the list provided under IC 3-7-29-1 to
 20 determine if the county election board has indicated that the voter is
 21 required to provide additional personal identification under 52 U.S.C.
 22 21083 and IC 3-7-33-4.5 before voting in person. If the list ~~(or a~~
 23 ~~certification concerning absentee voters under IC 3-11-10-12)~~ indicates
 24 that the voter is required to present this identification before voting in
 25 person, the poll clerk shall advise the voter that the voter must present,
 26 in addition to the proof of identification required by section 25.1(a) of
 27 this chapter, a piece of identification described in subsection (b) to the
 28 poll clerk.

29 (b) As required by 52 U.S.C. 21083, and in addition to the proof of
 30 identification required by section 25.1(a) of this chapter, a voter
 31 described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5
 32 before appearing at the polls on election day must present one (1) of the
 33 following documents to the poll clerk:

- 34 (1) A current and valid photo identification.
 35 (2) A current utility bill, bank statement, government check,
 36 paycheck, or government document that shows the name and
 37 address of the voter.

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



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

5 (e) The precinct election board shall advise the voter that the voter
 6 may file a copy of the documentation with the county voter registration
 7 office to permit the provisional ballot to be counted under IC 3-11.7.

8 SECTION 50. IC 3-11-10-1.5 IS REPEALED [EFFECTIVE JULY
 9 1, 2019]. Sec. 1-5: (a) This section applies to a voter:

10 (1) voting by an absentee ballot that includes a candidate for
 11 election to an office who:

12 (A) ceases to be a candidate; and

13 (B) is succeeded by a candidate selected under IC 3-13-1 or
 14 IC 3-13-2; or

15 (2) casting a replacement absentee ballot under IC 3-11-2-16.

16 (b) If:

17 (1) the original absentee ballot has not been delivered to the
 18 appropriate precinct; and

19 (2) the absentee voter's name has not been marked on the poll list
 20 under section 16 of this chapter;

21 the absentee voter may recast the voter's ballot under this section. To
 22 obtain another set of ballots the absentee voter must present a written
 23 request for another set of ballots from the circuit court clerk.

24 (c) Upon receiving a written request under subsection (b), the circuit
 25 court clerk shall do the following:

26 (1) Place the written request with the absentee voter's original
 27 ballots.

28 (2) Mark "canceled" on the original set of ballots.

29 (3) Preserve the original ballots with the other defective ballots.

30 (4) Deliver a new set of ballots to the absentee voter.

31 SECTION 51. IC 3-11-10-3 IS REPEALED [EFFECTIVE JULY 1,
 32 2019]. Sec. 3: A county election board must receive an absentee ballot
 33 in time for the board to deliver the ballot to the precinct election board
 34 of the voter's precinct before the closing of the polls on election day.

35 SECTION 52. IC 3-11-10-4, AS AMENDED BY P.L.198-2005,
 36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2019]: Sec. 4. (a) Upon receipt of an absentee ballot, a county
 38 election board (or the absentee voter board in the office of the circuit
 39 court clerk) shall immediately examine the signature of the absentee
 40 voter to determine its genuineness.

41 (b) This subsection does not apply to an absentee ballot cast by a
 42 voter permitted to transmit the voter's absentee ballots by fax or



1 electronic mail under IC 3-11-4-6. The board shall compare the
 2 signature as it appears upon the envelope containing the absentee ballot
 3 with the signature of the voter as it appears upon the application for the
 4 absentee ballot. The board may also compare the signature on the ballot
 5 envelope with any other admittedly genuine signature of the voter.

6 (c) This subsection applies to an absentee ballot cast by a voter
 7 permitted to transmit the voter's absentee ballots by fax or electronic
 8 mail under IC 3-11-4-6. The board shall compare the signature as it
 9 appears on the affidavit transmitted with the voter's absentee ballot to
 10 the voter's signature as it appears on the application for the absentee
 11 ballot. The board may also compare the signature on the affidavit with
 12 any other admittedly genuine signature of the voter.

13 (d) If a member of the absentee voter board questions whether a
 14 signature on a ballot envelope or transmitted affidavit is genuine, the
 15 matter shall be referred to the county election board for consideration
 16 under section 5 of this chapter.

17 SECTION 53. IC 3-11-10-5 IS REPEALED [EFFECTIVE JULY 1,
 18 2019]. Sec. 5: If a county election board unanimously finds that the
 19 signature on a ballot envelope or transmitted affidavit is not genuine,
 20 the board shall write upon the ballot envelope or transmitted affidavit
 21 the words "The county election board has questioned the genuineness
 22 of the signature of this voter.". These ballots shall be delivered to the
 23 polls on election day under section 12 of this chapter with instructions
 24 to verify the voter's signature under section 15 of this chapter.

25 SECTION 54. IC 3-11-10-6 IS REPEALED [EFFECTIVE JULY 1,
 26 2019]. Sec. 6: If a county election board is unable to unanimously
 27 determine whether the signature on a ballot envelope is genuine, the
 28 board shall write upon the ballot envelope or transmitted affidavit the
 29 words "Signature Disputed". The board then shall deliver all disputed
 30 ballot envelopes, together with any evidence of a documentary nature
 31 presented before the board, to the proper precinct at the same time that
 32 undisputed ballots are delivered.

33 SECTION 55. IC 3-11-10-7 IS REPEALED [EFFECTIVE JULY 1,
 34 2019]. Sec. 7: After receipt of disputed ballots under section 6 of this
 35 chapter, a precinct election board shall determine whether each
 36 disputed ballot will be voted or rejected.

37 SECTION 56. IC 3-11-10-8 IS REPEALED [EFFECTIVE JULY 1,
 38 2019]. Sec. 8: (a) If a county election board (or the absentee voter
 39 board in the office of the circuit court clerk) unanimously finds that the
 40 signature on a ballot envelope or transmitted affidavit is genuine, the
 41 board shall enclose immediately the accepted and unopened ballot
 42 envelope together with the voter's application for the absentee ballot in



1 a carrier envelope. The board may enclose in the same carrier envelope
 2 all absentee ballot envelopes and voter applications to be transmitted
 3 to the same precinct.

4 (b) The envelope shall be securely sealed and endorsed with the
 5 official title of the circuit court clerk and the following words: "This
 6 envelope contains an absentee ballot and must be opened only at the
 7 polls on election day while the polls are open."

8 SECTION 57. IC 3-11-10-9 IS REPEALED [EFFECTIVE JULY 1,
 9 2019]. Sec. 9: Each circuit court clerk shall keep all accepted ballot
 10 envelopes securely in the clerk's office until they are delivered to the
 11 proper precincts in accordance with section 12 of this chapter.

12 SECTION 58. IC 3-11-10-11, AS AMENDED BY P.L.221-2005,
 13 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2019]: Sec. 11. (a) On election day each circuit court clerk (or
 15 an agent of the clerk) shall visit the appropriate post office to accept
 16 delivery of absentee envelopes at the latest possible time that will
 17 permit delivery of the ballots to the appropriate precinct election boards
 18 before 6 p.m.

19 (b) Not later than noon on election day, the county voter registration
 20 office shall visit the appropriate post office to accept delivery of mail
 21 containing documentation submitted by a voter to comply with
 22 IC 3-7-33-4.5. The office shall immediately notify the county election
 23 board regarding the filing of this documentation. to permit the board to
 24 provide certification of this filing to the appropriate precinct election
 25 boards before 6 p.m.

26 SECTION 59. IC 3-11-10-12 IS REPEALED [EFFECTIVE JULY
 27 1, 2019]. Sec. 12: (a) Except as provided in section 12.5 of this chapter,
 28 each county election board shall have all absentee ballots delivered to
 29 the precinct election boards at their respective polls on election day.

30 (b) The absentee ballots shall be delivered during the hours that the
 31 polls are open and in sufficient time to enable the precinct election
 32 boards to vote the ballots during the time the polls are open.

33 (c) Along with the absentee ballots delivered to the precinct election
 34 boards under subsection (a), each county election board shall provide
 35 a list certified by the circuit court clerk. This list must state the name
 36 of each voter subject to IC 3-7-33-4.5 who:

37 (1) filed the documentation required by IC 3-7-33-4.5 with the
 38 county voter registration office after the printing of the certified
 39 list under IC 3-7-29 or the poll list under IC 3-11-3; and

40 (2) as a result, is entitled to have the voter's absentee ballot
 41 counted if the ballot otherwise complies with this title.

42 (d) If the county election board is notified not later than 3 p.m. on



1 election day by the county voter registration office that a voter subject
 2 to IC 3-7-33-4.5 and not identified in the list certified under subsection
 3 (c) has filed documentation with the office that complies with
 4 IC 3-7-33-4.5; the county election board shall transmit a supplemental
 5 certified list to the appropriate precinct election board. If the board
 6 determines that the supplemental list may not be received before the
 7 closing of the polls, the board shall:

- 8 (1) attempt to contact the precinct election board to inform the
 9 board regarding the content of the supplemental list; and
- 10 (2) file a copy of the supplemental list for that precinct as part of
 11 the permanent records of the board.

12 SECTION 60. IC 3-11-10-12.5 IS REPEALED [EFFECTIVE JULY
 13 1, 2019]. Sec. 12.5: (a) This section applies to absentee ballots cast:

- 14 (1) under section 26 or 26.3 of this chapter; and
- 15 (2) on a direct record electronic voting system:

16 (b) Notwithstanding section 12 of this chapter, a county election
 17 board is not required to deliver absentee ballots described in subsection
 18 (a) to the precincts for counting. However, the county election board
 19 shall deliver to each precinct a list of the names of voters who have cast
 20 absentee ballots described in subsection (a). The county election board
 21 shall deliver this list at the same time the county election board delivers
 22 other absentee ballots to the precinct. Absentee ballots described in
 23 subsection (a) may be challenged using the same procedure that applies
 24 to other absentee ballots. The judges shall mark the poll list to indicate
 25 that each voter on the list sent by the county election board has voted
 26 by absentee ballot. If a voter has already voted at the precinct or if the
 27 absentee ballot is challenged, the judges shall note that fact on the list
 28 sent by the county election board and return the list to the county
 29 election board with the precinct's other election materials. The county
 30 election board shall delete the absentee votes of a voter described in
 31 subsection (a) whose name has been noted by the judges as having
 32 voted at the precinct. The county election board shall count the
 33 absentee ballots described in subsection (a) using the procedures in
 34 IC 3-11.5 for counting absentee ballots at a central location, including
 35 the procedures for challenging absentee ballots and eliminating the
 36 absentee ballots of individuals voting in person at the polls; to assure
 37 that the ballots cast on the direct record electronic voting system may
 38 be counted:

39 (c) A county election board acting under this section:

- 40 (1) may count all absentee ballots described in subsection (a) at
 41 a central location; and
- 42 (2) shall adjust the vote totals for each precinct based on the count



1 of absentee ballots under subdivision (1):

2 (d) This section does not require a county election board to count
3 absentee ballots not described in subsection (a) at a central location
4 under this section or IC 3-11-5.

5 SECTION 61. IC 3-11-10-13 IS REPEALED [EFFECTIVE JULY
6 1, 2019]. Sec. 13: The appointed members of the county election board
7 or members of the absentee voter boards established under section 36
8 of this chapter shall deliver the absentee ballots under section 12 of this
9 chapter. The delivery of the absentee ballots must be at all times under
10 the combined control of members of both political parties represented
11 on the county election board. Upon delivery of absentee ballots to a
12 precinct election board, the inspector shall sign a receipt for the ballots:

13 SECTION 62. IC 3-11-10-14 IS REPEALED [EFFECTIVE JULY
14 1, 2019]. Sec. 14: Subject to IC 3-10-8-7.5, IC 3-12-1-17, and section
15 11 of this chapter, absentee ballots received by mail (or by fax or
16 electronic mail under IC 3-11-4-6) after the county election board has
17 started the final delivery of the ballots to the precincts on election day
18 are considered as arriving too late and need not be delivered to the
19 polls:

20 SECTION 63. IC 3-11-10-15 IS REPEALED [EFFECTIVE JULY
21 1, 2019]. Sec. 15: At any time between the opening and closing of the
22 polls on election day, the inspector, in the presence of the precinct
23 election board, shall do all of the following:

- 24 (1) Open the outer or carrier envelope containing an absentee
25 ballot envelope and application:
26 (2) Announce the absentee voter's name:
27 (3) Compare the signature upon the application with the signature
28 upon the affidavit on the ballot envelope or transmitted affidavit
29 attached to the ballot envelope:

30 SECTION 64. IC 3-11-10-16 IS REPEALED [EFFECTIVE JULY
31 1, 2019]. Sec. 16: (a) If the inspector finds under section 15 of this
32 chapter that:

- 33 (1) the affidavit is properly executed;
34 (2) the signatures correspond;
35 (3) the absentee voter is a qualified voter of the precinct;
36 (4) the absentee voter is registered and is not required to file
37 additional information with the county voter registration office
38 under IC 3-7-33-4.5;
39 (5) the absentee voter has not voted in person at the election; and
40 (6) in case of a primary election, if the absentee voter has not
41 previously voted, the absentee voter has executed the proper
42 declaration relative to age and qualifications and the political



1 party with which the absentee voter intends to affiliate;
 2 then the inspector shall open the envelope containing the absentee
 3 ballots so as not to deface or destroy the affidavit and take out each
 4 ballot enclosed without unfolding or permitting a ballot to be unfolded
 5 or examined:

6 (b) The inspector shall then hand the ballots to the judges who shall
 7 deposit the ballots in the proper ballot box. The inspector shall mark
 8 the poll list in the presence of the poll clerks to indicate that the voter
 9 has voted by absentee ballot. If the voter has registered and voted under
 10 IC 3-7-36-14, the inspector shall attach to the poll list the circuit court
 11 clerk's certification that the voter has registered:

12 SECTION 65. IC 3-11-10-16.5 IS REPEALED [EFFECTIVE JULY
 13 1, 2019]. Sec. 16.5: If the inspector finds under section 16(a) of this
 14 chapter that the voter has not filed the additional information required
 15 to be filed with the county voter registration office under IC 3-7-33-4.5;
 16 but that all of the other findings listed under section 16(a) of this
 17 chapter apply, the inspector shall direct that the absentee ballot be
 18 processed as a provisional ballot under IC 3-11-7.

19 SECTION 66. IC 3-11-10-17 IS REPEALED [EFFECTIVE JULY
 20 1, 2019]. Sec. 17: (a) If the inspector finds under section 15 of this
 21 chapter that any of the following applies, a ballot may not be accepted
 22 or counted:

23 (1) The affidavit is insufficient or the ballot has not been endorsed
 24 with the initials of:

25 (A) the two (2) members of the absentee voter board in the
 26 office of the circuit court clerk under IC 3-11-4-19 or section
 27 27 of this chapter;

28 (B) the two (2) members of the absentee voter board visiting
 29 the voter under section 25(b) of this chapter; or

30 (C) the two (2) appointed members of the county election
 31 board or their designated representatives under IC 3-11-4-19.

32 (2) A copy of the voter's signature has been furnished to the
 33 precinct election board and that the signatures do not correspond
 34 or there is no signature:

35 (3) The absentee voter is not a qualified voter in the precinct.

36 (4) The absentee voter has not registered.

37 (5) The ballot is open or has been opened and resealed: This
 38 subdivision does not permit an absentee ballot transmitted by fax
 39 or electronic mail under IC 3-11-4-6 to be rejected because the
 40 ballot was sealed in the absentee ballot envelope by the individual
 41 designated by the circuit court to receive absentee ballots
 42 transmitted by fax or electronic mail:



1 (6) The ballot envelope contains more than one (1) ballot of any
2 kind for the same office or public question:

3 (7) In the case of a primary election, if the absentee voter has not
4 previously voted, the voter failed to execute the proper
5 declaration relative to age and qualifications and the political
6 party with which the voter intends to affiliate:

7 (8) The ballot has been challenged and there is no absentee ballot
8 application from the voter to support the absentee ballot:

9 (b) Subsection (c) applies whenever a voter with a disability is
10 unable to make a signature:

11 (1) on an absentee ballot application that corresponds to the
12 voter's signature in the records of the county voter registration
13 office; or

14 (2) on an absentee ballot secrecy envelope that corresponds with
15 the voter's signature:

16 (A) in the records of the county voter registration office; or

17 (B) on the absentee ballot application:

18 (c) The voter may request that the voter's signature or mark be
19 attested to by:

20 (1) the absentee voter board under section 25(b) of this chapter;

21 (2) a member of the voter's household; or

22 (3) an individual serving as attorney in fact for the voter.

23 (d) An attestation under subsection (c) provides an adequate basis
24 for an inspector to determine that a signature or mark complies with
25 subsection (a)(2):

26 SECTION 67. IC 3-11-10-18 IS REPEALED [EFFECTIVE JULY
27 1, 2019]. Sec. 18: Each ballot not accepted or counted for any of the
28 reasons prescribed by section 17 of this chapter shall, without being
29 unfolded to disclose how it is marked, be endorsed with the words:
30 "Rejected (giving the reason or reasons therefor)": All rejected
31 absentee ballots shall be enclosed and securely sealed in an envelope
32 on which the inspector shall write the words: "Defective absentee
33 ballots". The inspector shall also identify the precinct and the date of
34 the election on the envelope containing the rejected ballots. The
35 defective absentee ballots shall be returned to the same officer and in
36 the same manner as prescribed by this title for the return and
37 preservation of official ballots cast and uncast at the election:

38 SECTION 68. IC 3-11-10-20 IS REPEALED [EFFECTIVE JULY
39 1, 2019]. Sec. 20: Before depositing an absentee ballot in a ballot box,
40 the inspector shall:

41 (1) notify the challengers and the pollbook holders that the
42 inspector is about to deposit an absentee ballot; and



1 (2) provide the challengers and pollbook holders with the name
 2 and address of the absentee voter so that the voter may be
 3 challenged under this article.

4 SECTION 69. IC 3-11-10-21 IS REPEALED [EFFECTIVE JULY
 5 1, 2019]. Sec. 21: The vote of an absentee voter may be challenged at
 6 the polls for the reason that the absentee voter is not a legal voter of the
 7 precinct where the ballot is being cast. The challenge under this section
 8 regarding the absentee ballot must be determined by the county
 9 election board using the procedures for counting a provisional ballot
 10 under IC 3-11-7.

11 SECTION 70. IC 3-11-10-22 IS REPEALED [EFFECTIVE JULY
 12 1, 2019]. Sec. 22: (a) If an absentee ballot is challenged under section
 13 21 of this chapter, the absentee voter's application for an absentee
 14 ballot shall be considered as the affidavit required to be made by a
 15 voter when challenged at the polls while voting in person.

16 (b) Except as provided in subsection (c), the challenge procedure
 17 under this section is the same as though the ballot was cast by the voter
 18 in person.

19 (c) An absentee voter is not required to provide proof of
 20 identification.

21 (d) If a proper affidavit is made that would entitle the absentee voter
 22 to vote if the absentee voter had personally appeared, then the absentee
 23 ballot envelope must be marked to indicate that a provisional ballot is
 24 enclosed, and the envelope shall be placed with the other provisional
 25 ballot envelopes for transmittal to the county election board.

26 SECTION 71. IC 3-11-10-23 IS REPEALED [EFFECTIVE JULY
 27 1, 2019]. Sec. 23: If proof is given to a precinct election board that an
 28 absentee voter marked and forwarded an absentee ballot but died
 29 before election day, then the inspector shall return the ballot of the
 30 deceased voter with the other defective ballots to the officer issuing the
 31 ballots. However, the casting of an absentee ballot by a deceased voter
 32 does not invalidate an election.

33 SECTION 72. IC 3-11-10-24, AS AMENDED BY P.L.169-2015,
 34 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) Except as provided in
 36 subsection (b), a voter who satisfies any of the following is entitled to
 37 vote by mail:

38 (1) The voter has a specific, reasonable expectation of being
 39 absent from the county on election day during the entire twelve

40 (12) hours that the polls are open.

41 (2) The voter will be absent from the precinct of the voter's
 42 residence on election day because of service as:



- 1 (A) a precinct election officer under IC 3-6-6;
 2 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 3 (C) a challenger or pollbook holder under IC 3-6-7; or
 4 (D) a person employed by an election board to administer the
 5 election for which the absentee ballot is requested.
- 6 (3) The voter will be confined on election day to the voter's
 7 residence, to a health care facility, or to a hospital because of an
 8 illness or injury during the entire twelve (12) hours that the polls
 9 are open.
- 10 (4) The voter is a voter with disabilities.
- 11 (5) The voter is an elderly voter.
- 12 (6) The voter is prevented from voting due to the voter's care of
 13 an individual confined to a private residence because of illness or
 14 injury during the entire twelve (12) hours that the polls are open.
- 15 (7) The voter is scheduled to work at the person's regular place of
 16 employment during the entire twelve (12) hours that the polls are
 17 open.
- 18 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 19 (9) The voter is prevented from voting due to observance of a
 20 religious discipline or religious holiday during the entire twelve
 21 (12) hours that the polls are open.
- 22 (10) The voter is an address confidentiality program participant
 23 (as defined in IC 5-26.5-1-6).
- 24 (11) The voter is a member of the military or public safety officer.
- 25 (12) The voter is a serious sex offender (as defined in
 26 IC 35-42-4-14(a)).
- 27 (13) The voter is prevented from voting due to the unavailability
 28 of transportation to the polls.
- 29 (b) A voter with disabilities who:
- 30 (1) is unable to make a voting mark on the ballot or sign the
 31 absentee ballot secrecy envelope; and
- 32 (2) requests that the absentee ballot be delivered to an address
 33 within Indiana;
- 34 must vote before an absentee voter board under section 25(b) of this
 35 chapter.
- 36 (c) If a voter receives an absentee ballot by mail, the voter shall
 37 personally mark the ballot in secret and seal the marked ballot inside
 38 the envelope provided by the county election board for that purpose.
 39 The voter shall:
- 40 (1) deposit the sealed envelope in the United States mail for
 41 delivery to the county election board; or
- 42 (2) authorize a member of the voter's household or the individual



1 designated as the voter's attorney in fact to:

- 2 (A) deposit the sealed envelope in the United States mail; or
 3 (B) deliver the sealed envelope in person to the county
 4 election board.

5 (d) If a member of the voter's household or the voter's attorney in
 6 fact delivers the sealed envelope containing a voter's absentee ballot to
 7 the county election board, the individual delivering the ballot shall
 8 complete an affidavit in a form prescribed by the election division. The
 9 affidavit must contain the following information:

- 10 (1) The name and residence address of the voter whose absentee
 11 ballot is being delivered.
 12 (2) A statement of the full name, residence and mailing address,
 13 and daytime and evening telephone numbers (if any) of the
 14 individual delivering the absentee ballot.
 15 (3) A statement indicating whether the individual delivering the
 16 absentee ballot is a member of the voter's household or is the
 17 attorney in fact for the voter. If the individual is the attorney in
 18 fact for the voter, the individual must attach a copy of the power
 19 of attorney for the voter, unless a copy of this document has
 20 already been filed with the county election board.
 21 (4) The date and location at which the absentee ballot was
 22 delivered by the voter to the individual delivering the ballot to the
 23 county election board.
 24 (5) A statement that the individual delivering the absentee ballot
 25 has complied with Indiana laws governing absentee ballots.
 26 (6) A statement that the individual delivering the absentee ballot
 27 is executing the affidavit under the penalties of perjury.
 28 (7) A statement setting forth the penalties for perjury.

29 (e) The county election board shall record the date and time that the
 30 affidavit under subsection (d) was filed with the board.

31 (f) After a voter has mailed or delivered an absentee ballot to the
 32 office of the circuit court clerk, the voter may not recast a ballot, except
 33 as provided in ~~section 1-5 of this chapter~~. **IC 3-11.5-4-2.**

34 SECTION 73. IC 3-11-10-26, AS AMENDED BY P.L.71-2017,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 26. (a) This subsection applies to all counties,
 37 except for a county to which IC 3-6-5.2 applies. As an alternative to
 38 voting by mail, a voter is entitled to cast an absentee ballot before an
 39 absentee voter board at any of the following:

- 40 (1) One (1) location of the office of the circuit court clerk
 41 designated by the circuit court clerk.
 42 (2) A satellite office established under section 26.3 of this



- 1 chapter.
- 2 (b) This subsection applies to a county to which IC 3-6-5.2 applies.
- 3 As an alternative to voting by mail, a voter is entitled to cast an
- 4 absentee ballot before an absentee voter board at any of the following:
- 5 (1) The office of the board of elections and registration.
- 6 (2) A satellite office established under section 26.3 of this
- 7 chapter.
- 8 (c) Except for a location designated under subsection (a)(1), a
- 9 location of the office of the circuit court clerk must be established as
- 10 a satellite office under section 26.3 of this chapter in order to be used
- 11 as a location at which a voter is entitled to cast an absentee ballot
- 12 before an absentee voter board under this section.
- 13 (d) The voter must do the following before being permitted to vote:
- 14 (1) This subdivision does not apply to a county that uses
- 15 electronic poll books for voting under this section. Sign an
- 16 application on the form prescribed by the election division under
- 17 IC 3-11-4-5.1. The application must be received by the circuit
- 18 court clerk not later than the time prescribed by IC 3-11-4-3.
- 19 (2) This subdivision applies only to a county that uses electronic
- 20 poll books for voting under this section and in which the ballot is
- 21 cast on an electronic voting system. The voter must do the
- 22 following:
- 23 (A) If the county election board has prescribed an affidavit
- 24 under subsection (e) that includes a unique identifier to
- 25 comply with section 26.2(c)(3) of this chapter, make and
- 26 subscribe to the affidavit.
- 27 (B) Sign the electronic poll book.
- 28 (C) Provide proof of identification.
- 29 (3) This subdivision applies only to a county that uses electronic
- 30 poll books for voting under this section and in which the ballot is
- 31 cast on an optical scan voting system. The voter must do the
- 32 following:
- 33 (A) Sign the electronic poll book.
- 34 (B) Provide proof of identification.
- 35 (C) Sign the affidavit prescribed by section 29 of this chapter.
- 36 (e) The county election board may:
- 37 (1) prescribe an affidavit that includes a unique identifier; or
- 38 (2) establish a procedure to produce a document, label, or
- 39 electronic record that is associated with each voter and includes
- 40 a unique identifier;
- 41 to comply with section 26.2(c)(3) of this chapter. After the county
- 42 election board approves an affidavit or procedure described in this



1 subsection and before the affidavit or procedure is used in an election,
2 the county election board shall file a copy of the affidavit or a brief
3 description of the procedure with the election division to assist the state
4 recount commission in conducting proceedings under IC 3-12-11.

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

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

24 (h) The absentee voter board in the office of the circuit court clerk
25 must permit voters to cast absentee ballots under this section for at
26 least seven (7) hours on each of the two (2) Saturdays preceding
27 election day.

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

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

- 36 (1) permitted to verify in a private and independent manner the
37 votes selected by the voter before the ballot is cast and counted;
38 (2) provided with the opportunity to change the ballot or correct
39 any error in a private and independent manner before the ballot is
40 cast and counted, including the opportunity to receive a
41 replacement ballot if the voter is otherwise unable to change or
42 correct the ballot; and



- 1 (3) notified before the ballot is cast regarding the effect of casting
 2 multiple votes for the office and provided an opportunity to
 3 correct the ballot before the ballot is cast and counted.
- 4 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is
 5 provided under this section, the board must also provide the voter with:
 6 (1) information concerning the effect of casting multiple votes for
 7 an office; and
 8 (2) instructions on how to correct the ballot before the ballot is
 9 cast and counted, including the issuance of replacement ballots.
- 10 (l) If:
 11 (1) the voter is unable or declines to present the proof of
 12 identification; or
 13 (2) a member of the board determines that the proof of
 14 identification provided by the voter does not qualify as proof of
 15 identification under IC 3-5-2-40.5;
 16 the voter shall be permitted to cast an absentee ballot and the voter's
 17 absentee ballot shall be treated as a provisional ballot.
- 18 (m) A voter casting an absentee ballot under this section is entitled
 19 to cast the voter's ballot in accordance with IC 3-11-9.
- 20 **(n) In a primary election, a voter casting an absentee ballot**
 21 **under this chapter may not change the voter's choice of the voter's**
 22 **political party after the voter has been mailed or otherwise**
 23 **provided with a primary ballot containing the candidates of that**
 24 **party.**
- 25 SECTION 74. IC 3-11-10-34 IS REPEALED [EFFECTIVE JULY
 26 1, 2019]. Sec. 34: If an envelope containing an absentee ballot has been
 27 marked "Rejected as defective" and the voter appears in person at the
 28 precinct before the polls close, the voter may vote as any other voter
 29 voting in person.
- 30 SECTION 75. IC 3-11-10-35 IS REPEALED [EFFECTIVE JULY
 31 1, 2019]. Sec. 35: (a) This section does not apply to an absentee ballot
 32 required to be treated as a provisional ballot under IC 3-11-7.
- 33 (b) If an envelope containing an absentee ballot has not been opened
 34 before the close of the polls, then the envelope may not be opened
 35 without an order of a court or the state recount commission.
- 36 SECTION 76. IC 3-11-10-37 IS REPEALED [EFFECTIVE JULY
 37 1, 2019]. Sec. 37: (a) Not later than noon fifty (50) days before election
 38 day, each county election board shall notify the county chairmen of the
 39 two (2) political parties that have appointed members on the county
 40 election board of the number of absentee voter boards to be appointed
 41 under section 36 of this chapter.
- 42 (b) The county chairmen shall make written recommendations for



1 the appointments to the county election board not later than noon
 2 forty-six (46) days before election day. The county election board shall
 3 make the appointments as recommended. If a county chairman fails to
 4 make any recommendations, then the county election board may
 5 appoint any voters of the county who comply with section 36 of this
 6 chapter.

7 SECTION 77. IC 3-11-11-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. At the opening of the
 9 polls, after the organization of and in the presence of the precinct
 10 election board, the inspector shall:

- 11 (1) open the packages of ballots in a manner that preserves the
- 12 seals intact;
- 13 (2) deliver twenty-five (25) of each of the ~~state and local~~ ballots
- 14 to the poll clerk of the opposite political party; and
- 15 (3) deliver to the other poll clerk a pen for marking the ballots.

16 SECTION 78. IC 3-11-13-22, AS AMENDED BY P.L.100-2018,
 17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2019]: Sec. 22. (a) This section applies to:

- 19 (1) a ballot card voting system; and
- 20 (2) a voting system that includes features of a ballot card voting
- 21 system and a direct record electronic voting system.

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

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

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

- 41 (1) a ballot:
- 42 (A) must be reprinted or corrected as provided by



1 IC 3-11-2-16 because of the omission of a candidate, political
 2 party, or public question from the ballot; or
 3 (B) is an absentee ballot that a voter is entitled to recast under
 4 ~~IC 3-11-10-1.5~~ **IC 3-11.5-4-2** because the absentee ballot
 5 includes a candidate for election to office who:
 6 (i) ceased to be a candidate; and
 7 (ii) has been succeeded by a candidate selected under
 8 IC 3-13-1 or IC 3-13-2; and
 9 (2) ballots used in the test conducted under this section were not
 10 reprinted or corrected to remove the omission of a candidate,
 11 political party, or public question, or indicate the name of the
 12 successor candidate;
 13 the county election board shall conduct an additional public test
 14 described in subsection (b) using the reprinted or corrected ballots.
 15 Notice of the time and place of the additional test shall be given in
 16 accordance with IC 5-14-1.5, but publication of the notice in
 17 accordance with IC 5-3-1-4 is not required.
 18 SECTION 79. IC 3-11-13-28.1, AS ADDED BY P.L.76-2014,
 19 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 28.1. (a) This section does not apply
 21 ~~(1)~~ to a ballot card voted by absentee ballot. ~~or~~
 22 ~~(2) in a vote center county using an electronic poll book and a~~
 23 ~~printer separate from the electronic poll book.~~
 24 (b) ~~Except as provided in subsection (c);~~ The two (2) poll clerks of
 25 each precinct shall place their initials in ink on the back of each ballot
 26 card:
 27 (1) at the time the card is issued to a voter; or
 28 (2) in the case of a ballot marked by a marking device for an
 29 optical scan ballot, before the ballot is placed into the tabulating
 30 device.
 31 The initials must be in the poll clerks' ordinary handwriting or printing
 32 and without a distinguishing mark of any kind.
 33 ~~(c) In a vote center county using an electronic poll list and a printer~~
 34 ~~separate from the electronic poll list; the printed initials of the poll~~
 35 ~~clerks captured through the electronic signature pad or tablet at the~~
 36 ~~time the poll clerks log into the electronic poll book system may be~~
 37 ~~printed by a printer separate from the electronic poll list on the back of~~
 38 ~~each ballot card immediately before the ballot card is delivered to the~~
 39 ~~voter.~~
 40 ~~(d)~~ (c) Except as provided in IC 3-12-1-12, a ballot card is not valid
 41 unless, immediately before the ballot card is delivered to the voter,
 42 ~~(1)~~ the ballot card is initialed by both poll clerks. ~~or~~



1 (2) the initials of both poll clerks are printed on the back of the
2 ballot card in accordance with subsection (c):

3 SECTION 80. IC 3-11-14-25 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) After
5 voting, the voter shall immediately leave the booth and announce to the
6 poll clerks that the voter has voted. The poll clerks shall write a voting
7 mark after the voter's name, and the voter shall leave the room.

8 (b) If a voter leaves the booth without casting a ballot, a precinct
9 election official shall:

- 10 (1) attempt to advise the voter not to leave the polls because
11 the voter's ballot has not been cast; and
12 (2) permit the voter to return to the booth to complete the
13 process of casting the voter's ballot.

14 (c) If the voter has left the polls, or declines to return to the
15 booth, the inspector shall direct both judges to enter into the booth
16 and complete the process of casting the ballot for the voter. The
17 judges shall promptly complete a form prescribed under
18 IC 3-5-4-8. The form must be signed by both judges and contain
19 the following information:

- 20 (1) The name of the voter who left the polls without
21 completing the process of casting a ballot.
22 (2) The approximate time that the voter left the polls.
23 (3) Whether the voter was advised that the voter could return
24 to the booth to complete the casting of the ballot.
25 (4) A statement made under the penalties for perjury
26 indicating that the judges jointly cast the ballot without either
27 judge making any alteration to the choices made by the voter.

28 SECTION 81. IC 3-11-14-32 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 32. The certificates of
30 the number of votes cast for each person shall be made and signed as
31 required by IC 3-12, and the precinct election officers shall make and
32 sign ~~all statements~~ **the statement** of the number of votes required by
33 ~~law in duplicate, triplicate, or otherwise.~~ **under section 30 of this**
34 **chapter. The inspector is only required to provide duplicate copies**
35 **of the statement to another precinct election officer or a watcher,**
36 **upon request.** The certificates and other papers shall be returned to the
37 circuit court clerk in the same manner and with the same penalties that
38 are prescribed in IC 3-12 for election returns from precincts in which
39 electronic voting systems are not used.

40 SECTION 82. IC 3-11-14.5-1, AS AMENDED BY P.L.100-2018,
41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2019]: Sec. 1. (a) The county election board of each county



1 planning to use an electronic voting system at the next election shall
 2 randomly select at least three (3) precincts within the county and test
 3 the voting system units to be used at those precincts on election day.
 4 Each voting system shall be tested to ascertain that the system will
 5 correctly count the votes cast for straight party tickets, for all
 6 candidates (including write-in candidates), and on all public questions
 7 in that precinct.

8 (b) The testing under subsection (a) must begin before absentee
 9 voting starts in the office of the circuit court clerk under IC 3-11-10-26.

10 (c) If a county election board determines that:

11 (1) a ballot provided by an electronic voting system:

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

15 (B) is an absentee ballot that a voter is entitled to recast under
 16 ~~IC 3-11-10-1.5~~ **IC 3-11.5-4-2** because the absentee ballot
 17 includes a candidate for election to office who:

18 (i) ceased to be a candidate; and

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

21 (2) voting system units used in the test conducted under this
 22 section did not contain a ballot that was reprinted or corrected to
 23 remove the omission of a candidate, political party, or public
 24 question, or indicate the name of the successor candidate;

25 the county election board shall conduct an additional public test
 26 described in subsection (a) using the voting system units previously
 27 tested and containing the reprinted or corrected ballots.

28 SECTION 83. IC 3-11-15-46, AS AMENDED BY P.L.100-2018,
 29 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 46. (a) The county election board is
 31 responsible for defining the specific access policies applying to voting
 32 systems and electronic poll books in each election and for specifying
 33 when any variations from these policies are permitted.

34 (b) The county election board may adopt a resolution to establish a
 35 security protocol to secure the voting systems and electronic poll books
 36 used in each election conducted in the county. The security protocol
 37 must include an audit trail to detect unauthorized access to the voting
 38 systems and electronic poll books. A resolution adopted under this
 39 subsection must be adopted by the unanimous vote of the board's entire
 40 membership. If the board adopts a resolution under this subsection, the
 41 requirements of subsections (c) through (g) do not apply to the county
 42 **when a copy of the resolution is filed with the election division.** The



1 person or entity conducting the voting system technical oversight
2 program and the election division shall be available to advise the
3 county election board in the development of a security protocol under
4 this subsection.

5 (c) The county election board shall place a uniquely numbered seal
6 on each voting system and electronic poll book used in an election to
7 secure the voting system and electronic poll book and permit
8 post-election auditing. The form of the seal and information contained
9 on the seal shall be prescribed by the election division and must make
10 it impossible to access the sealed part of the unit without detection.

11 (d) The county election board shall place the seal described in
12 subsection (c) on the voting system or electronic poll book immediately
13 upon completion of the canvass of votes cast in an election in which the
14 voting system or electronic poll book was made available for use at a
15 precinct or vote center.

16 (e) The seal must remain in place except when the county election
17 board orders unsealing of the voting system or electronic poll book in
18 one (1) of the following cases when the board finds unsealing to be
19 necessary:

20 (1) To conduct maintenance on the voting system or electronic
21 poll book.

22 (2) To prepare the voting system or electronic poll book for use
23 in the next election to be conducted by the county in which the
24 voting system or electronic poll book will be made available.

25 (3) To install certified voting system hardware, firmware, or
26 software on a voting system or certified upgrades on an electronic
27 poll book.

28 (4) To conduct a public test of the voting system or electronic poll
29 book required by state law.

30 (5) To conduct an audit authorized or required by this title.

31 (6) For the county election board to correct an error under
32 IC 3-12-5-14.

33 (7) When ordered during a recount or contest proceeding under
34 IC 3-12.

35 (f) The county election board shall reseal the voting system or
36 electronic poll book immediately after the completion of the
37 maintenance, installation, audit, correction, recount proceeding, or
38 contest proceeding. When the county election board orders the
39 unsealing of the voting system or electronic poll book to prepare for the
40 use of the equipment in an election, the voting system or electronic poll
41 book may remain unsealed until the canvassing is completed under
42 subsection (d).



1 (g) The county election board shall document when each voting
 2 system or electronic poll book is sealed or unsealed under this section,
 3 identifying:

- 4 (1) the serial number of each voting system or electronic poll
 5 book that is sealed or unsealed;
 6 (2) the date on which the sealing or unsealing occurred; and
 7 (3) the individual who performed the sealing or unsealing.

8 SECTION 84. IC 3-11-18.1-4, AS AMENDED BY P.L.76-2014,
 9 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 4. The plan required by section 3 of this chapter
 11 must include at least the following:

- 12 (1) The total number of vote centers to be established.
 13 (2) The location of each vote center.
 14 (3) The effective date of the order.
 15 (4) The following information according to the computerized list
 16 (as defined in IC 3-7-26.3-2) as of the date of the order:
 17 (A) The total number of voters within the county.
 18 (B) The number of active voters within the county.
 19 (C) The number of inactive voters within the county.

20 ~~(5) For each vote center designated under subdivision (2), a list~~
 21 ~~of the precincts whose polls will be located at the vote center~~
 22 ~~consistent with section 13 of this chapter for an election that is not~~
 23 ~~being held in each precinct of the county.~~

24 ~~(6)~~ (5) For each vote center designated under subdivision (2), the
 25 number of precinct election boards that will be appointed to
 26 administer an election at the vote center.

27 ~~(7)~~ (6) For each precinct election board designated under
 28 subdivision (6); (5), the number and name of each precinct the
 29 precinct election board will administer consistent with section 13
 30 of this chapter for an election that is not being held in each
 31 precinct of the county.

32 ~~(8)~~ (7) For each vote center designated under subdivision (2), the
 33 number and title of the precinct election officers who will be
 34 appointed to serve at the vote center.

35 ~~(9)~~ (8) For each vote center designated under subdivision (2):
 36 (A) the number and type of ballot variations that will be
 37 provided at the vote center; and
 38 (B) whether these ballots will be:

- 39 (i) delivered to the vote center before the opening of the
 40 polls; or
 41 (ii) printed on demand for a voter's use.

42 ~~(10)~~ (9) A detailed description of any hardware, firmware, or



- 1 software used:
- 2 (A) to create an electronic poll list for each precinct whose
- 3 polls are to be located at a vote center; or
- 4 (B) to manage data in an electronic poll book through a secure
- 5 electronic connection between the county election board and
- 6 the precinct election officials administering a vote center.
- 7 ~~(11)~~ **(10)** A description of the equipment and procedures to be
- 8 used to ensure that information concerning a voter entered into
- 9 any electronic poll book used by precinct election officers at a
- 10 vote center is immediately accessible to:
- 11 (A) the county election board; and
- 12 (B) the electronic poll books used by precinct election officers
- 13 at all other vote centers in the county.
- 14 ~~(12)~~ For each precinct designated under subdivision (5); the
- 15 number of electronic poll books to be provided for the precinct.
- 16 ~~(13)~~ **(11)** This subdivision applies to a county in which ballot
- 17 cards are used at a vote center. For each vote center designated
- 18 under subdivision (2), whether each ballot card printed will have
- 19 the printed initials of the poll clerks captured through the
- 20 electronic signature pad or tablet at the time the poll clerks log
- 21 into the electronic poll book system printed on the back of the
- 22 ballot card immediately before the ballot card is delivered to a
- 23 voter.
- 24 ~~(14)~~ **(12)** The security and contingency plans to be implemented
- 25 by the county to do all of the following:
- 26 (A) Prevent a disruption of the vote center process.
- 27 (B) Ensure that the election is properly conducted if a
- 28 disruption occurs.
- 29 (C) Prevent access to an electronic poll book without the
- 30 coordinated action of two (2) precinct election officers who are
- 31 not members of the same political party.
- 32 ~~(15)~~ **(13)** A certification that the vote center complies with the
- 33 accessibility requirements applicable to polling places under
- 34 IC 3-11-8.
- 35 ~~(16)~~ **(14)** A sketch depicting the planned layout of the vote center,
- 36 indicating the location of:
- 37 (A) equipment; and
- 38 (B) precinct election officers;
- 39 within the vote center.
- 40 ~~(17)~~ **(15)** The total number and locations of satellite offices to be
- 41 established under IC 3-11-10-26.3 at vote center locations
- 42 designated under subdivision (2) to allow voters to cast absentee



1 ballots in accordance with IC 3-11. However, a plan must provide
 2 for at least one (1) vote center to be established as a satellite
 3 office under IC 3-11-10-26.3 on the two (2) Saturdays
 4 immediately preceding an election day.

5 ~~(+8)~~ **(16)** The method and timing of providing voter data to
 6 persons who are entitled to receive the data under this title. Data
 7 shall be provided to all persons entitled to the data without
 8 unreasonable delay.

9 ~~(+9)~~ **(17)** That the county election board shall adopt a resolution
 10 under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting
 11 of absentee ballots applicable to the county (if the board has not
 12 already done so).

13 ~~(20) For a plan adopted after July 1, 2014,~~ **(18)** In a county in
 14 which a majority of votes are cast on optical scan ballot cards, any
 15 additional procedures to provide for efficient and secure voting at
 16 each vote center, including ballot on demand printing.

17 SECTION 85. IC 3-11-18.1-5, AS AMENDED BY P.L.201-2017,
 18 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 5. (a) Except as provided in ~~subsection (b);~~
 20 **subsections (b) and (c)**, a plan must provide a vote center for use by
 21 voters residing within the county for use in a primary election, general
 22 election, special election, municipal primary, or municipal election
 23 conducted on or after the effective date of the county election board's
 24 order.

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

- 28 (1) located within the county; and
 29 (2) having a population of less than three thousand five hundred
 30 (3,500).

31 **(c) This section does not apply in a town that has established a**
 32 **town election board under IC 3-10-7-5.7 while the resolution**
 33 **established under IC 3-10-7-5.7 is in effect.**

34 SECTION 86. IC 3-11-18.1-7, AS ADDED BY P.L.1-2011,
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 7. Before adopting an order designating a county
 37 as a vote center county under this chapter, the county election board
 38 must determine the following:

- 39 (1) That the secure electronic connection as described under
 40 section ~~4(10)(B)~~ **4(9)(B)** of this chapter is sufficient to prevent:
 41 (A) any voter from voting more than once; and
 42 (B) unauthorized access by any person to:



- 1 (i) the electronic poll lists for a precinct whose polls are to
 2 be located at the vote center; or
 3 (ii) the computerized list of voters of the county.
- 4 (2) That the planned design and location of the equipment and
 5 precinct officers will provide the most efficient access for:
 6 (A) voters to enter the polls, cast their ballots, and leave the
 7 vote center; and
 8 (B) precinct election officials, watchers, challengers, and
 9 pollbook holders to exercise their rights and perform their
 10 duties within the vote center.
- 11 SECTION 87. IC 3-11-18.1-12, AS AMENDED BY P.L.100-2018,
 12 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 12. (a) Notwithstanding section 1 of this chapter,
 14 this section applies to an electronic poll book to be used in:
 15 (1) a precinct polling place, office of the circuit court clerk, or a
 16 satellite office in accordance with IC 3-7-29-6; or
 17 (2) a vote center under this chapter.
- 18 (b) Notwithstanding any other law, the electronic poll ~~list~~ **book** used
 19 at each vote center must **satisfy all of the following:**
 20 (1) **The electronic poll book must** comply with IC 3-11-8-10.3.
 21 **and**
 22 (2) **The electronic poll book must** be approved by the secretary
 23 of state in accordance with this section.
 24 (3) **Except with prior written authorization by the voting**
 25 **system technical oversight program (VSTOP) established by**
 26 **IC 3-11-16-2, the electronic poll book must have been**
 27 **delivered to the county election board not less than sixty (60)**
 28 **days before an election at which the electronic poll book is**
 29 **used.**
- 30 (c) A person who wishes to market, sell, lease, or provide an
 31 electronic poll book for use in an election in Indiana must first file an
 32 application for certification with the election division on a form
 33 prescribed by the secretary of state. Except as provided in subsection
 34 (h), a person may not market, sell, lease, or provide an electronic poll
 35 book for use in an election in Indiana until the secretary of state has
 36 approved the application for certification under this section.
- 37 (d) The secretary of state shall refer the application to the person or
 38 entity conducting ~~the voting system technical oversight program~~
 39 ~~(VSTOP) established by IC 3-11-16-2: VSTOP.~~
- 40 (e) The VSTOP shall examine the electronic poll book with its
 41 accompanying documentation and file a report with the secretary of
 42 state indicating:



- 1 (1) whether the electronic poll book would operate in compliance
 2 with this title;
- 3 (2) any recommendations regarding the acquisition or use of the
 4 electronic poll book; and
- 5 (3) whether VSTOP recommends that the secretary of state
 6 approve the electronic poll book under this section, including any
 7 recommended restrictions that should be placed on the secretary
 8 of state's approval.
- 9 (f) After the report required by subsection (e) is filed, the secretary
 10 of state may approve the application for certification permitting the
 11 electronic poll book to be used in an election in Indiana.
- 12 (g) A certification under this section expires on December 31 of the
 13 year following the date of its issuance, unless earlier revoked by the
 14 secretary of state upon a written finding of good cause for the
 15 revocation.
- 16 (h) A person may display or demonstrate an electronic poll book
 17 that has not been certified under this section if the person complies
 18 with all the following requirements:
- 19 (1) The display or demonstration occurs at a conference of
 20 election officials sponsored by:
- 21 (A) a state agency; or
 22 (B) an association of circuit court clerks or voter registration
 23 officers.
- 24 (2) The person files a notice with the election division at least
 25 seven (7) days before the scheduled starting date of a conference
 26 referred to in subdivision (1) setting forth the following:
- 27 (A) The name of the person and each representative scheduled
 28 to display or demonstrate the electronic poll book.
 29 (B) The address and telephone number of the person.
 30 (C) The model name of the electronic poll book.
 31 (D) The name and manufacturer of the electronic poll book.
 32 (E) The date and location of the display or demonstration of
 33 the electronic poll book.
- 34 (3) The person displays the electronic poll book with a notice that:
 35 (A) is at least 16 point type size;
 36 (B) is posted on the surface of the electronic poll book; and
 37 (C) states that the electronic poll book is "Not Approved for
 38 Use in Indiana".
- 39 (4) The person ensures that each communication concerning the
 40 electronic poll book that is available or made at a conference
 41 referred to in subdivision (1) includes a statement that the
 42 electronic poll book is "Not Approved for Use in Indiana". A



1 printed communication must include the statement in a type size
 2 that is at least as large as the largest type size used in the
 3 communication.

4 SECTION 88. IC 3-11.5-1-1.1, AS AMENDED BY P.L.266-2013,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 1.1. This article applies to **all counties**.

7 (1) a county subject to IC 3-11.5-4-0.5; or
 8 (2) a county whose county election board, by unanimous vote of
 9 the board's entire membership, has adopted a resolution under
 10 IC 3-11.5-5-1 or IC 3-11.5-6-1.

11 SECTION 89. IC 3-11.5-1-4 IS REPEALED [EFFECTIVE JULY
 12 1, 2019]. Sec. 4. To the extent that they are in conflict with this article,
 13 the following statutes do not apply to a county that has adopted a
 14 resolution described by section 1 of this chapter (before its repeal) or
 15 section 1.1 of this chapter:

16 (1) IC 3-11-4-22.
 17 (2) IC 3-11-10-1.5.
 18 (3) IC 3-11-10-3.
 19 (4) IC 3-11-10-5.
 20 (5) IC 3-11-10-6.
 21 (6) IC 3-11-10-7.
 22 (7) IC 3-11-10-8.
 23 (8) IC 3-11-10-9.
 24 (9) IC 3-11-10-11.
 25 (10) IC 3-11-10-12.
 26 (11) IC 3-11-10-12.5.
 27 (12) IC 3-11-10-13.
 28 (13) IC 3-11-10-14.
 29 (14) IC 3-11-10-15.
 30 (15) IC 3-11-10-16.
 31 (16) IC 3-11-10-17.
 32 (17) IC 3-11-10-18.
 33 (18) IC 3-11-10-20.
 34 (19) IC 3-11-10-21.
 35 (20) IC 3-11-10-22.
 36 (21) IC 3-11-10-23.
 37 (22) IC 3-11-10-31.
 38 (23) IC 3-11-10-32.
 39 (24) IC 3-11-10-34.
 40 (25) IC 3-11-10-35.
 41 (26) IC 3-11-10-36.
 42 (27) IC 3-11-10-37.



1 ~~(28) IC 3-12-2.~~

2 ~~(29) IC 3-12-3-12.~~

3 SECTION 90. IC 3-11.5-4-0.5 IS REPEALED [EFFECTIVE JULY
4 1, 2019]. ~~Sec. 0-5:~~ (a) This section applies only to a county having a
5 consolidated city:

6 (b) Except as provided in subsection (c), a county shall count
7 absentee ballots at a central location. Notwithstanding IC 3-11.5-6-1(a),
8 the provisions of IC 3-11.5-6 apply in the county unless the county
9 election board adopts a resolution under IC 3-11.5-5-1 making
10 IC 3-11.5-5 applicable in the county:

11 (c) If the county election board adopts a resolution, by the
12 unanimous vote of the entire membership of the board, that:

13 (1) requires absentee ballots to be counted at individual precincts
14 instead of at a central location; and

15 (2) states the board's basis for adopting the requirement described
16 in subdivision (1);

17 all absentee ballots shall be counted at individual precincts instead of
18 at a central location.

19 (d) A copy of the resolution adopted under subsection (c) shall be
20 filed with the election division:

21 SECTION 91. IC 3-11.5-6-4, AS AMENDED BY P.L.210-2018,
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
24 county having a consolidated city. To minimize delay, the absentee
25 ballot counters shall continue to count without interruption until all
26 absentee ballots for the precinct are canvassed and the certificates
27 required by this chapter are prepared and delivered to the person
28 entitled to receive the certificates.

29 (b) This subsection applies to a county having a consolidated city.
30 To minimize delay, the absentee ballot counters shall continue to count
31 without interruption until all absentee ballots that ~~are not required to be~~
32 ~~remade and~~ have been accepted by the absentee ballot counters under
33 IC 3-11.5-4-12 are canvassed, and the certificates required by this
34 chapter are prepared and delivered to the person entitled to receive the
35 certificates.

36 SECTION 92. IC 3-11.7-5-30 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2019]: **Sec. 30. (a) This section applies to a**
39 **provisional ballot that the county election board determines was**
40 **cast by an individual who is registered to vote in an Indiana county**
41 **other than the county in which the provisional ballot was cast.**

42 **(b) The county election board shall do both of the following:**



1 **(1) Notify the county election board of the county in which the**
 2 **individual is registered to vote of the determination made**
 3 **under subsection (a).**

4 **(2) Transmit a copy of the challenge affidavits executed under**
 5 **this article to the county voter registration office of the county**
 6 **in which the individual is registered to vote.**

7 SECTION 93. IC 3-11.7-6-3, AS AMENDED BY P.L.128-2015,
 8 SECTION 206, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) As required by 52 U.S.C.
 10 21082, a county election board shall establish a free access system such
 11 as a toll-free telephone number or an Internet web site that enables a
 12 provisional voter to determine:

13 (1) whether the individual's provisional ballot was counted; and
 14 (2) if the provisional ballot was not counted, the reason the
 15 provisional ballot was not counted.

16 (b) ~~After December 31, 2014,~~ The county election board shall enter
 17 the following into the computerized list:

18 (1) The name of the individual.
 19 (2) The address of the individual.
 20 (3) Whether the individual's provisional ballot was counted.
 21 (4) If the individual's provisional ballot was not counted, the
 22 reason the provisional ballot was not counted.

23 (c) As required by 52 U.S.C. 21082, the county election board shall
 24 establish and maintain reasonable procedures to protect the security,
 25 confidentiality, and integrity of personal information collected, stored,
 26 or otherwise used on the free access system established by the board
 27 under subsection (a).

28 (d) As required by 52 U.S.C. 21082, the county election board shall
 29 restrict access to the free access system established under subsection
 30 (a) to the individual voter who cast the provisional ballot. This
 31 subsection does not restrict access to election materials available under
 32 IC 3-10-1-31.1.

33 (e) The county election board shall prescribe written instructions to
 34 inform a provisional voter how the provisional voter can determine
 35 whether the provisional voter's ballot has been counted.

36 SECTION 94. IC 3-11.7-7 IS ADDED TO THE INDIANA CODE
 37 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]:

39 **Chapter 7. Standards for Issuing an Order Extending the Hour**
 40 **for the Closing of the Polls**

41 **Sec. 1. This chapter applies to any order described by 52 U.S.C.**
 42 **21082(c) to extend the hour for the closing of the polls fixed by**



1 **IC 3-11-8-8.**

2 **Sec. 2. (a) Only a county election board has standing in an**
 3 **Indiana court or with any other state governmental entity to file an**
 4 **action or petition to request the extension of the hour for closing**
 5 **the polls by the court or entity.**

6 **(b) The county election board may only file an action or petition**
 7 **under this section upon the unanimous vote of the entire**
 8 **membership of the board.**

9 **Sec. 3. In determining whether to issue an order under this**
 10 **chapter, the court or entity must consider the following:**

11 **(1) Whether the polls were delayed in opening at the time**
 12 **fixed by IC 3-11-8-8.**

13 **(2) If the opening of a poll was delayed, in which precincts or**
 14 **vote centers the delay occurred.**

15 **(3) If a poll closed at any time during the hours specified in**
 16 **IC 3-11-8-8, how long the poll was closed and in which**
 17 **precincts or vote centers the closing occurred.**

18 **(4) What evidence exists that any voter was prevented from**
 19 **casting a ballot due to a delay or closure of the polls during**
 20 **the hours set forth in IC 3-11-8-8.**

21 **Sec. 4. If the court or state governmental entity determines that**
 22 **an order extending the hour for the closing of the polls is to be**
 23 **issued, the court or entity must:**

24 **(1) limit the extension to those polls whose opening was**
 25 **delayed or which closed during the hours set forth in**
 26 **IC 3-11-8-8; and**

27 **(2) extend the hours for the polls at the precinct or vote center**
 28 **for a period of time approximately equal to the time that the**
 29 **polls were closed during the hours set forth in IC 3-11-8-8.**

30 **Sec. 5. (a) The county election board may appeal any denial of**
 31 **an order extending the hour for closing the polls issued under this**
 32 **section to the court of appeals under the same terms, conditions,**
 33 **and standards that govern appeals in ordinary civil actions.**

34 **(b) An assignment of errors that the court or state governmental**
 35 **entity's final action is contrary to law is sufficient to present both:**

36 **(1) the sufficiency of the facts found to sustain the court or**
 37 **state governmental entity's action; and**

38 **(2) the sufficiency of the evidence to sustain the findings of**
 39 **fact upon which the court or state governmental entity's**
 40 **action was rendered.**

41 **SECTION 95. IC 3-12-1-5, AS AMENDED BY P.L.21-2016,**
 42 **SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**



1 JULY 1, 2019]: Sec. 5. (a) This subsection does not apply to a ballot
 2 card voting system or an electronic voting system. Except as provided
 3 in subsection (d), a voting mark made by a voter on or in a voting
 4 square at the left of a candidate's name or political party's name shall
 5 be counted as a vote for the candidate or candidates of the political
 6 party.

7 (b) This subsection applies to a ballot card voting system. A voting
 8 mark made by a voter:

- 9 (1) on or in a circle, oval, or square; or
 10 (2) to connect a connectable arrow;

11 immediately below or beside a candidate's name or political party's
 12 name shall be counted as a vote for the candidate or candidates of the
 13 political party, except as provided in subsection (d).

14 (c) This subsection applies to a direct record electronic voting
 15 system. A voting mark made by a voter touching a touch sensitive point
 16 or button below or beside a candidate's name or political party's name
 17 shall be counted as a vote for the candidate or candidates of the
 18 political party, except as provided in subsection (d).

19 (d) A voter who wishes to cast a ballot for a candidate for election
 20 to an at-large district **to which more than one (1) person may be**
 21 **elected** on a:

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

26 must make a voting mark for each individual candidate for whom the
 27 voter wishes to cast a vote. A straight ticket voting mark on a paper
 28 ballot, ballot card voting system, or electronic voting system shall not
 29 be counted as a straight party ticket voting mark as a vote for any
 30 candidate for an office described by this subsection.

31 SECTION 96. IC 3-12-1-8, AS AMENDED BY P.L.21-2016,
 32 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2019]: Sec. 8. (a) Except as provided in subsection (b), a
 34 voting mark made by a voter on or in a circle containing a political
 35 party device shall be counted as a vote for each candidate of that
 36 political party on that ballot.

37 (b) A voter who wishes to cast a ballot for a candidate for election
 38 to an at-large district **to which more than one (1) person may be**
 39 **elected** on a:

- 40 (1) county council;
 41 (2) city common council;
 42 (3) town council; or



- 1 (4) township board;
 2 must make a voting mark for each individual candidate for whom the
 3 voter wishes to cast a vote. A voting mark on or in a circle containing
 4 a political party device shall not be counted as a straight party ticket
 5 voting mark as a vote for any candidate for an office described by this
 6 subsection.
- 7 SECTION 97. IC 3-12-1-17, AS AMENDED BY P.L.76-2014,
 8 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 17. (a) This section applies only to an absentee
 10 ballot sent by mail.
- 11 (b) Notwithstanding ~~IC 3-11-10-14~~ and IC 3-11.5-4-7, an absentee
 12 ballot received from an overseas voter is not considered as arriving too
 13 late if both of the following apply:
- 14 (1) The absentee ballot envelope is postmarked not later than the
 15 date of the election.
- 16 (2) The absentee ballot is received not later than noon ten (10)
 17 days following the election.
- 18 (c) If the postmark on the absentee ballot envelope is unclear, the
 19 county election board, by unanimous vote of the entire membership of
 20 the board, determines the postmark date. If the board is unable to
 21 determine the postmark date, the absentee ballot may not be counted.
- 22 SECTION 98. IC 3-12-1-19, AS ADDED BY P.L.66-2010,
 23 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 19. (a) This section applies to a federal
 25 write-in absentee ballot cast in a general election, municipal election,
 26 or special election as provided in IC 3-11-4-12.5(b)(2) by an absent
 27 uniformed services voter or overseas voter.
- 28 (b) If a voter designates a candidate by writing in the name of a
 29 political party on the ballot, the voter's vote shall be counted for all
 30 candidates of that political party on the ballot.
- 31 (c) If a voter writes an abbreviation, misspelling, or other minor
 32 variation instead of the correct name of a candidate or a political party,
 33 the voter's vote shall be counted if the intent of the voter can be
 34 determined.
- 35 **(d) This subsection applies to a voter who casts a ballot for:**
 36 **(1) an individual who is a candidate for President of the**
 37 **United States;**
 38 **(2) an individual who is a candidate for Vice President of the**
 39 **United States; or**
 40 **(3) both individuals who are candidates for President of the**
 41 **United States and Vice President of the United States.**
 42 **A ballot cast as described in this subsection is considered to be cast**



1 for the presidential electors and alternate presidential electors
 2 pledged to support the ticket of candidates for President and Vice
 3 President printed on the regular official ballot.

4 (e) This subsection applies to a voter who casts a ballot for:

- 5 (1) an individual who is a candidate for governor;
- 6 (2) an individual who is a candidate for lieutenant governor;
- 7 (3) both individuals who are candidates for governor and
- 8 lieutenant governor.

9 A ballot cast as described in this subsection is considered to be cast
 10 for both individuals who are candidates for governor and
 11 lieutenant governor of Indiana who are printed on the regular
 12 official ballot.

13 (f) If a voter votes for a candidate on a ballot described by this
 14 section, but does not indicate the office for which the candidate has
 15 been nominated, the voter's vote for that candidate is void.

16 SECTION 99. IC 3-12-2-1, AS AMENDED BY P.L.128-2015,
 17 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This chapter:

- 19 (1) is enacted to comply with 52 U.S.C. 21081 by establishing
- 20 uniform and nondiscriminatory standards to define what will be
- 21 counted as a vote on a paper ballot; and
- 22 (2) applies to each precinct where voting is by paper ballot.

23 (b) After the polls have closed, each precinct election board shall
 24 count the paper ballot votes for each candidate for each office and on
 25 each public question. The ballots shall be counted by laying each ballot
 26 upon a table in the order in which it is taken from the ballot box.

27 (c) Notwithstanding subsection (b), the precinct election board may
 28 count absentee ballots before the polls have closed. If the precinct
 29 election board counts absentee ballots under this subsection, a member
 30 of the precinct election board may not, before the polls have closed,
 31 provide any person other than a member of the precinct election board
 32 with information concerning the number of votes:

- 33 (1) a candidate received for an office; or
- 34 (2) cast to approve or reject a public question;

35 on absentee ballots counted under this subsection.

36 (d) (c) If a precinct election board administers more than one (1)
 37 precinct, the board shall keep the ballots cast in each precinct separate
 38 from ballots cast in any other precinct, so that the votes cast for each
 39 candidate and on each public question in each of the precincts
 40 administered by the board may be determined.

41 SECTION 100. IC 3-12-5-1, AS AMENDED BY P.L.221-2005,
 42 SECTION 110, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Whenever a candidate is
 2 elected to a local office that is commissioned by the governor under
 3 IC 4-3-1-5, the circuit court clerk shall prepare a statement ~~under the~~
 4 ~~clerk's seal~~ specifying the number of votes received by each candidate
 5 for that office.

6 (b) The statement prepared under subsection (a) must also include
 7 the number of votes cast for and against the following:

8 (1) The ratification of a state constitutional amendment submitted
 9 to the electorate.

10 (2) The retention of a justice of the supreme court or a judge of
 11 the court of appeals or tax court.

12 (3) Each candidate who was declared elected by the county
 13 election board under IC 3-12-4-9.

14 (c) The clerk shall ~~send or hand deliver~~ **transmit under section 1.5**
 15 **of this chapter** the statement to the election division not later than
 16 noon on the second Monday following election day.

17 (d) The election division shall tabulate the votes received under this
 18 section. Not later than the third Friday after the election, the secretary
 19 of state shall issue a certificate certifying the following:

20 (1) Each state constitutional amendment ratified or rejected.

21 (2) Each justice or judge retained or removed.

22 (e) The election division shall provide a copy of a certificate
 23 described by:

24 (1) subsection (d)(1) to the chief justice of the Indiana supreme
 25 court and the director of the office of code revision of the
 26 legislative services agency; and

27 (2) subsection (d)(2) to the chief justice of the state.

28 (f) The election division shall provide a copy of all statements
 29 received under this section to the office.

30 SECTION 101. IC 3-12-5-1.5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) This section
 32 applies to a statement required to be ~~sent or delivered~~ **transmitted** to
 33 the election division by a circuit court clerk under this chapter.

34 (b) A statement described in subsection (a) ~~may~~ **shall** be sent by
 35 using the computerized list established under IC 3-7-26.3 **unless the**
 36 **election division authorizes the use of an alternative method for**
 37 **transmitting the certificate.** A statement sent under this section
 38 complies with any requirement for the statement to be certified or
 39 sealed.

40 SECTION 102. IC 3-12-5-5, AS AMENDED BY P.L.221-2005,
 41 SECTION 111, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Not later than noon on the



1 second Monday following an election for governor and lieutenant
 2 governor, each circuit court clerk shall prepare a certified statement
 3 ~~under the clerk's seal~~ showing the number of votes each candidate
 4 received. The clerk shall transmit the statement to the election division
 5 **in accordance with section 1.5 of this chapter.** The election division
 6 shall deliver:

7 (1) the statement to the speaker of the house of representatives
 8 before the date described in subsection (b); and

9 (2) a copy of each statement to the office.

10 (b) The house of representatives and the senate shall meet in joint
 11 convention not later than the date specified in Article 5, Section 9 of
 12 the Constitution of the State of Indiana for the commencement of the
 13 term of the governor and the lieutenant governor to hear the canvass of
 14 votes cast for governor and lieutenant governor.

15 (c) The joint convention shall act to resolve any:

16 (1) tie vote, as required under Article 5, Section 5 of the
 17 Constitution of the State of Indiana; or

18 (2) contest under Article 5, Section 6 of the Constitution of the
 19 State of Indiana.

20 (d) The joint rules that governed the house of representatives and
 21 senate before the general election govern the joint convention until
 22 those rules are amended as provided in those rules.

23 (e) After resolving any tie or contest, the presiding officer of the
 24 joint convention shall certify to the convention that the individuals
 25 receiving the most votes according to the canvass have been elected
 26 governor and lieutenant governor.

27 SECTION 103. IC 3-12-5-6, AS AMENDED BY P.L.221-2005,
 28 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Not later than noon on the
 30 second Monday following an election, each circuit court clerk shall
 31 prepare a certified statement under the clerk's seal of the number of
 32 votes received by each candidate for:

33 (1) federal office;

34 (2) state office;

35 (3) legislative office; and

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

38 (b) The clerk shall ~~send~~ **transmit** the statements ~~by certified mail;~~
 39 ~~return receipt requested; or hand deliver the statements~~ to the election
 40 division **in accordance with section 1.5 of this chapter.**

41 (c) The election division shall provide a copy of each statement to
 42 the office.



1 SECTION 104. IC 3-12-5-11, AS AMENDED BY P.L.221-2005,
 2 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) As soon as practical, but no
 4 later than noon on the second Monday following an election for a
 5 legislative office, each circuit court clerk shall:

6 (1) prepare a certified statement ~~under the clerk's seal~~ specifying
 7 the number of votes received in the county by each candidate for
 8 legislative office; and

9 (2) **send transmit** the statement ~~by certified mail, return receipt~~
 10 ~~requested; or hand deliver the statement~~ to the election division
 11 **in accordance with section 1.5 of this chapter.**

12 (b) The election division shall provide a copy of each statement to
 13 the office.

14 SECTION 105. IC 3-12-5-13 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. The election
 16 division may not reject a certified statement received ~~under seal~~ from
 17 a circuit court clerk under section 6 or 11 of this chapter but shall
 18 estimate, aggregate, and tabulate the total number of votes as evidenced
 19 by the face of each certified statement.

20 SECTION 106. IC 3-12-8-1, AS AMENDED BY P.L.194-2013,
 21 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]: Sec. 1. (a) This section does not apply to a challenge
 23 filed before an election to the eligibility of a candidate nominated by
 24 petition for election to an office. The challenge described by this
 25 subsection must be conducted in accordance with IC 3-8-1-2.

26 (b) Any candidate for nomination or election to a local or school
 27 board office may contest the nomination or election of a candidate who
 28 is declared nominated or elected to the office, except a candidate who:

29 (1) receives the most votes in a primary election; and

30 (2) is certified as deceased under IC 3-8-7-1.

31 (c) If a candidate who is entitled to contest the nomination or
 32 election of a candidate under this chapter does not file a petition within
 33 the period established by section 5 of this chapter, the county chairman
 34 of a political party of which the candidate entitled to file a petition
 35 under this chapter was a member may file a petition to contest the
 36 nomination or election of a candidate. A county chairman is entitled to
 37 contest an election under this chapter only in a partisan race.

38 **(d) This subsection applies to an election for a school board**
 39 **office. If there is no candidate who is entitled to contest the election**
 40 **of another candidate to a school board office, a voter of the school**
 41 **corporation may file a petition to contest the election of the**
 42 **candidate.**



1 SECTION 107. IC 3-12-10-12 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The
 3 expenses of a recount conducted by the state recount commission shall
 4 be paid from the state recount fund following the commission's
 5 determination of whether a full or partial refund of the cash deposit
 6 should be granted under IC 3-12-11-10.

7 (b) The expenses of a contest conducted by the state recount
 8 commission shall be paid from the state recount fund.

9 (c) Notwithstanding subsections (a) and (b), the expenses incurred
 10 by a party to a recount or contest for:

11 (1) the appearance of an individual; or

12 (2) the copying or production of documents;

13 in response to a subpoena approved by the state recount commission
 14 shall be borne by that party and are not subject to reimbursement under
 15 this chapter.

16 (d) A person (other than a party to a recount or contest) who claims
 17 reimbursement of expenses described by subsection (a) or (b) must
 18 submit a claim to the state recount commission not later than noon
 19 sixty (60) days after the commission adopts a final order concerning the
 20 recount or contest. If the commission approves the claim, the treasurer
 21 of state shall issue a warrant to the person in accordance with
 22 IC 5-13-5, **except as provided in subsection (e) or (f).**

23 **(e) This subsection applies when the recount director incurs an**
 24 **expense acting on behalf of the state recount commission. Any**
 25 **claim submitted by the recount director must be filed with the**
 26 **secretary of state for approval.**

27 **(f) This subsection applies when a person incurs an expense**
 28 **based on an order issued by the recount director before a recount**
 29 **or contest is filed under IC 3-12-11. The person must submit a**
 30 **claim to the state recount commission not later than noon sixty (60)**
 31 **days after the final date for filing a recount or contest petition**
 32 **under IC 3-12-11.**

33 ~~(e)~~ **(g)** There is appropriated to the state recount fund from the state
 34 general fund an amount sufficient for the state recount commission's
 35 use in the payment of expenses under this section.

36 SECTION 108. IC 3-13-1-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. A candidate vacancy
 38 that exists on a primary election ballot may not be filled for the primary
 39 election. The resulting vacancy on the following general or municipal
 40 election ballot may be filled in the manner prescribed by this chapter.
 41 ~~but only if it is filled by noon June 30 before election day.~~

42 SECTION 109. IC 3-13-1-3 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. Except as provided
 2 in IC 3-10-8-7, a candidate vacancy for United States Senator or a state
 3 office shall be filled by the state committee of the political party in
 4 **accordance with the state rules of the political party.**

5 SECTION 110. IC 3-13-1-4, AS AMENDED BY P.L.219-2013,
 6 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 4. Except as provided in IC 3-10-8-7.5, a
 8 candidate vacancy for United States Representative shall be filled by
 9 a caucus comprised by the precinct committeemen of the political party
 10 whose precincts are within the congressional district in **accordance**
 11 **with the state rules of the political party.**

12 SECTION 111. IC 3-13-1-5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. A candidate vacancy
 14 for a legislative office shall be filled by a caucus comprised by the
 15 precinct committeemen of the political party whose precincts are within
 16 the senate or house district in **accordance with the state rules of the**
 17 **political party.**

18 SECTION 112. IC 3-13-1-6, AS AMENDED BY P.L.216-2015,
 19 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 6. (a) As used in this section, "county committee"
 21 refers to the precinct committeemen and vice committeemen of a major
 22 political party representing a precinct within the county.

23 (b) Except as provided in subsection (c); A candidate vacancy for
 24 a local office shall be filled by: **in accordance with the state rules of**
 25 **the political party.**

26 (1) a caucus comprised of the precinct committeemen who are
 27 eligible to participate under section 10 of this chapter; or

28 (2) the county chairman of the political party or a caucus
 29 comprised of the chairman, vice chairman, secretary, and
 30 treasurer of the county committee of the party, if:

31 (A) authorized to fill vacancies under this chapter by majority
 32 vote of the county committee;

33 (B) the election district for the local office is entirely within
 34 one (1) county; and

35 (C) documentation of the authority given under clause (A) is
 36 attached to the certification of candidate selection filed under
 37 section 15 of this chapter.

38 (c) A candidate vacancy for the office of circuit court judge or
 39 prosecuting attorney in a circuit having more than one (1) county shall
 40 be filled by a caucus comprised of the precinct committeemen who
 41 constitute the county committees of the political party for all of the
 42 circuit.



1 SECTION 113. IC 3-13-1-8 IS REPEALED [EFFECTIVE JULY 1,
2 2019]. Sec. 8: A meeting under section 3, 4, 5, or 6 of this chapter shall
3 be called and chaired by:

4 (1) the state chairman; or a person designated by the state
5 chairman; for a caucus or committee acting under section 3, 4, 5,
6 or 6(e) of this chapter; or

7 (2) the county chairman of the county in which the greatest
8 percentage of the population of the election district is located; or
9 an individual designated by the county chairman; for a caucus or
10 committee acting under section 6(b) of this chapter.

11 SECTION 114. IC 3-13-1-9 IS REPEALED [EFFECTIVE JULY 1,
12 2019]. Sec. 9: The call for a meeting under section 3, 4, 5, or 6 of this
13 chapter must:

14 (1) be in writing on a form prescribed by the election division;

15 (2) state the name of the chairman of the meeting;

16 (3) state the purpose of the meeting;

17 (4) state the date, time, and place of the meeting;

18 (5) be sent by first class mail, at least ten (10) days before the
19 meeting; to all persons eligible to participate in the meeting; and

20 (6) be filed not later than noon ten (10) days before the meeting
21 with the official who is required to receive a certificate of
22 candidate selection following the caucus under section 15 of this
23 chapter.

24 SECTION 115. IC 3-13-1-10 IS REPEALED [EFFECTIVE JULY
25 1, 2019]. Sec. 10: (a) To be eligible to participate in a caucus called
26 under section 4, 5, or 6 of this chapter, an elected precinct
27 committeeman must be entitled to vote for the office for which a
28 candidate is to be selected. An elected precinct committeeman is
29 eligible to participate in a caucus called under this chapter, regardless
30 of when the ballot vacancy occurred:

31 (b) An appointed precinct committeeman is eligible to participate
32 in a caucus called under section 4, 5, or 6 of this chapter if the precinct
33 committeeman was a committeeman thirty (30) days before the
34 vacancy occurred:

35 (c) For purposes of a candidate vacancy resulting from the failure
36 of a candidate to be nominated at a primary at which precinct
37 committeemen were elected; an appointed precinct committeeman is
38 eligible to serve if the committeeman has been reappointed following
39 the primary in accordance with the rules of the committeeman's
40 political party.

41 SECTION 116. IC 3-13-1-10.5 IS REPEALED [EFFECTIVE JULY
42 1, 2019]. Sec. 10.5: (a) A person who wishes to be a candidate for



1 appointment to fill a candidate vacancy under this chapter must file a
 2 declaration of candidacy on a form prescribed by the election division
 3 with:

4 (1) the chairman of the caucus or committee conducting a meeting
 5 under this chapter; and

6 (2) the official who is required to receive a certificate of candidate
 7 selection following the caucus under section 15 of this chapter;
 8 at least seventy-two (72) hours before the time fixed for the caucus or
 9 committee meeting.

10 (b) A candidate's declaration of candidacy must include a statement
 11 that the candidate requests the name on the candidate's voter
 12 registration record be the same as the name the candidate uses on the
 13 declaration of candidacy. If there is a difference between the name on
 14 the candidate's declaration of candidacy and the name on the
 15 candidate's voter registration record, the officer with whom the
 16 declaration of candidacy is filed shall forward the information to the
 17 voter registration officer of the appropriate county as required by
 18 IC 3-5-7-6(e). The voter registration officer of the appropriate county
 19 shall change the name on the candidate's voter registration record to be
 20 the same as the name on the candidate's declaration of candidacy.

21 (c) A candidate's declaration of candidacy must contain the
 22 following statements:

23 (1) This subdivision applies to a candidate filing a declaration of
 24 candidacy for a state office, legislative office, local office of judge
 25 of a circuit, superior, probate, or small claims court, or local
 26 office of prosecuting attorney of a judicial circuit. A statement
 27 that the candidate has attached either of the following to the
 28 declaration:

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

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

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

36 (2) This subdivision applies to a candidate filing a declaration of
 37 candidacy for a local office not described in subdivision (1) or
 38 school board office. A statement that the candidate understands
 39 that if the candidate is selected to fill the candidate vacancy, the
 40 candidate is required to file a statement of economic interests
 41 under IC 3-8-9-5.

42 (3) A statement that the candidate understands that if the



1 candidate is elected to the office; the candidate may be required
 2 to obtain and file an individual surety bond before serving in the
 3 office. This requirement does not apply to a candidate for a
 4 federal office or legislative office.

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

11 (5) A statement that the candidate:

12 (A) is aware of the provisions of IC 3-9 regarding campaign
 13 finance and the reporting of campaign contributions and
 14 expenditures; and

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

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

18 The candidate must separately initial each of the statements required
 19 by this subsection.

20 SECTION 117. IC 3-13-1-11 IS REPEALED [EFFECTIVE JULY
 21 1, 2019]. Sec. 11. (a) At a meeting called under section 3, 4, 5, or 6 of
 22 this chapter, the eligible participants shall:

23 (1) establish the rules of procedure for the caucus or meeting;
 24 except as otherwise provided in this chapter; and

25 (2) select, by a majority vote of those casting a vote for a
 26 candidate, a person to fill the candidate vacancy described in the
 27 call for the meeting.

28 (b) If more than one (1) person seeks to fill the vacancy; the
 29 selection shall be conducted by secret ballot.

30 SECTION 118. IC 3-13-1-11.5 IS REPEALED [EFFECTIVE JULY
 31 1, 2019]. Sec. 11.5. (a) Except as provided in this section, voting by
 32 proxy is not permitted in a caucus called under section 4, 5, or 6 of this
 33 chapter.

34 (b) A precinct vice committeeman is entitled to participate in a
 35 caucus called under section 4, 5, or 6 of this chapter and vote as a
 36 proxy for the vice committeeman's precinct committeeman if all of the
 37 following apply:

38 (1) The vice committeeman's precinct committeeman is otherwise
 39 eligible to participate in the caucus under this chapter.

40 (2) The vice committeeman's precinct committeeman is not
 41 present at the caucus.

42 (3) The vice committeeman is eligible under this section.



1 (c) The vice committeeman of an elected precinct committeeman is
 2 eligible to participate in a caucus called under section 4, 5, or 6 of this
 3 chapter and vote the precinct committeeman's proxy, regardless of
 4 when the ballot vacancy occurred; if the vice committeeman was the
 5 vice committeeman five (5) days before the date of the caucus.

6 (d) If a vice committeeman is not eligible under subsection (c); the
 7 vice committeeman is eligible to participate in a caucus called under
 8 section 4, 5, or 6 of this chapter and vote the precinct committeeman's
 9 proxy only if the vice committeeman was the vice committeeman thirty
 10 (30) days before the ballot vacancy occurred.

11 SECTION 119. IC 3-13-1-12 IS REPEALED [EFFECTIVE JULY
 12 1, 2019]. Sec. 12: (a) If a tie vote occurs among participants acting
 13 under section 3, 4, 5, or 6(c) of this chapter, the chairman of the
 14 meeting may cast the tiebreaking vote. If a tie vote occurs among
 15 participants acting under section 6(b) of this chapter, the county
 16 chairman or an individual designated by the county chairman may cast
 17 the tiebreaking vote.

18 (b) If a quorum required under the rules of a meeting held under this
 19 chapter is not present, the county chairman shall fill the candidate
 20 vacancy.

21 SECTION 120. IC 3-13-1-13 IS REPEALED [EFFECTIVE JULY
 22 1, 2019]. Sec. 13: If fewer than two (2) persons are eligible to
 23 participate in the filling of a candidate vacancy for an office under
 24 section 6(b) of this chapter, the county chairman entitled to call the
 25 meeting under section 8 of this chapter shall appoint a person to fill the
 26 vacancy.

27 SECTION 121. IC 3-13-1-14 IS REPEALED [EFFECTIVE JULY
 28 1, 2019]. Sec. 14: The selection of a person as a candidate under this
 29 chapter is not effective unless:

30 (1) the person's written consent is obtained and filed:

31 (A) in the office in which certificates and petitions of
 32 nomination must be filed; and

33 (B) not later than when the certificate is filed; and

34 (2) the candidate has complied with any requirement under
 35 IC 3-8-1-33 or IC 3-8-9-5 to file a statement of economic
 36 interests.

37 SECTION 122. IC 3-13-1-15, AS AMENDED BY P.L.169-2015,
 38 SECTION 155, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) A **state chairman or a**
 40 county chairman filling a candidate vacancy under ~~section 6(b)(2)~~
 41 this chapter or the chairman of a meeting filling a candidate vacancy
 42 under this chapter shall file a written certificate of candidate selection



1 on a form prescribed by the election division stating the following
2 information for each candidate selected:

3 (1) The name of each candidate as:

4 (A) the candidate wants the candidate's name to appear on the
5 ballot; and

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

8 (2) The residence address of each candidate.

9 (b) The certificate shall be filed with **the following**:

10 (1) The election division for:

11 (A) a ~~committee~~ **political party** acting under section 3, 4, **or**
12 **5 or 6(e)** of this chapter; or

13 (B) a ~~committee~~ **political party** acting under section ~~6(b)~~ **6** of
14 this chapter to fill a candidate vacancy in the office of judge of
15 a circuit, superior, probate, or small claims court or
16 prosecuting attorney. ~~or~~

17 (2) The circuit court clerk, for a committee acting under section
18 ~~6(b)~~ **6** of this chapter to fill a candidate vacancy for a local office
19 not described in subdivision (1).

20 (c) This subsection applies to a candidate vacancy resulting from a
21 vacancy on the primary election ballot as described in section 2 of this
22 chapter. The certificate required by subsection (a) shall be filed not
23 later than ~~noon July 3 before election day~~; **the date and time specified**
24 **under section 7 of this chapter**.

25 (d) This subsection applies to all candidate vacancies not described
26 by subsection (c). The certificate required by subsection (a) shall be
27 filed not later than noon three (3) days (excluding Saturdays and
28 Sundays) after selection of the candidates.

29 (e) A certificate filed under this section is not effective unless the
30 candidate selected to fill the candidate vacancy has filed a statement of
31 economic interests under IC 3-8-9-5.

32 SECTION 123. IC 3-13-1-20, AS AMENDED BY P.L.230-2005,
33 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2019]: Sec. 20. (a) This section applies to a political party
35 subject to IC 3-8-4-10, IC 3-10-2-15, or IC 3-10-6-12.

36 (b) A candidate vacancy that exists following the convention of the
37 party shall be filled **by as provided by the rules of the state committee**
38 **of the political party**. ~~not later than the date and time specified by~~
39 ~~section 7(a)(1) of this chapter for a major political party to fill a~~
40 ~~candidate vacancy. The chairman of the state committee shall file a~~
41 ~~notice of intent to fill the candidate vacancy with the official who is~~
42 ~~required to receive a certificate of candidate selection under section 15~~



1 of this chapter. The notice must be filed not later than ten (10) days
 2 before the chairman fills the candidate vacancy. The chairman of the
 3 state committee shall act in accordance with section 15 of this chapter
 4 to certify the candidate selected to fill the vacancy.

5 (c) This subsection applies to a candidate vacancy resulting from a
 6 vacancy on the general election ballot resulting from the failure of the
 7 convention to nominate a candidate for an office. The certificate
 8 required by subsection (b) shall be filed not later than the date and time
 9 specified by section 15(c) of this chapter for a major political party to
 10 file a certificate of candidate selection.

11 (d) This subsection applies to all candidate vacancies not described
 12 by subsection (c). If a candidate vacancy occurs as a result of:

- 13 (1) the death of a candidate;
- 14 (2) the withdrawal of a candidate;
- 15 (3) the disqualification of a candidate under IC 3-8-1-5; or
- 16 (4) a court order issued under IC 3-8-7-29(d);

17 the political party may fill the vacancy within the same period of time
 18 that a major political party is permitted to fill a candidate vacancy
 19 under section 7(b) of this chapter.

20 (e) The certificate required by subsection (b) shall be filed within
 21 the period of time required under section 15(d) of this chapter for a
 22 major political party to file the certificate after selection of the
 23 candidates.

24 SECTION 124. IC 3-13-1-21 IS REPEALED [EFFECTIVE JULY
 25 1, 2019]. Sec. 21. (a) This section applies to a certificate of candidate
 26 selection filed under section 15 or 20 of this chapter.

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

- 31 (1) a notice of a caucus or meeting;
- 32 (2) a notice of intent to fill a vacancy under section 20 of this
 33 chapter;
- 34 (3) a declaration of candidacy filed by the individual selected as
 35 the candidate; or
- 36 (4) the certificate of candidate selection;

37 is or was offered to be filed after the deadline for the filing provided by
 38 this chapter or was not offered for filing at or before the deadline for
 39 the filing provided by this chapter.

40 SECTION 125. IC 3-14-2-1, AS AMENDED BY P.L.158-2013,
 41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 1. A person who knowingly does any of the



- 1 following commits a Level 6 felony:
- 2 (1) Conspires with an individual for the purpose of encouraging
- 3 the individual to submit a false application for registration.
- 4 (2) Conspires with an individual for the purpose of encouraging
- 5 the individual to vote illegally.
- 6 (3) Pays or offers to pay an individual **any property** for doing any
- 7 of the following:
- 8 (A) Applying for an absentee ballot.
- 9 (B) Casting an absentee ballot.
- 10 (C) Registering to vote.
- 11 (D) Voting.
- 12 (4) Accepts the payment of any property for doing any of the
- 13 following:
- 14 (A) Applying for an absentee ballot.
- 15 (B) Casting an absentee ballot.
- 16 (C) Registering to vote.
- 17 (D) Voting.
- 18 **(5) Pays or offers to pay an individual any property based on**
- 19 **the number of signatures obtained to place a candidate or**
- 20 **public question on a ballot. This subdivision does not prohibit**
- 21 **payment for gathering signatures not based, either directly or**
- 22 **indirectly, on the number of signatures obtained to place a**
- 23 **candidate or public question on a ballot.**
- 24 SECTION 126. IC 5-8-6-3, AS ADDED BY P.L.119-2005,
- 25 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2019]: Sec. 3. (a) A person who knows of the death of an
- 27 officeholder may certify the death to the following:
- 28 (1) The governor, in the case of the death of any of the following:
- 29 (A) An individual who holds a state office (as defined in
- 30 IC 3-5-2-48).
- 31 (B) An individual who is a judge of a circuit, superior, probate,
- 32 ~~county~~, or city court.
- 33 (2) The secretary of state, in the case of the death of an individual
- 34 who holds a legislative office (as defined in IC-3-5-2-28).
- 35 (3) The circuit court clerk of the county in which the officeholder
- 36 resided, in the case of the death of an officeholder of a county,
- 37 city, town, township, or school corporation not covered under
- 38 subdivision (1).
- 39 (b) A person who certifies the death of an officeholder shall:
- 40 (1) state the information that causes the person to believe the
- 41 officeholder has died; and
- 42 (2) certify, under the penalties for perjury, that to the best of the



- 1 person's knowledge and belief, the information stated is true.
- 2 SECTION 127. IC 7.1-3-20-16.1, AS AMENDED BY P.L.2-2007,
 3 SECTION 131, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2019]: Sec. 16.1. (a) This section applies to a
 5 municipal riverfront development project authorized under section
 6 16(d) of this chapter.
- 7 (b) In order to qualify for a permit, an applicant must demonstrate
 8 that the municipal riverfront development project area where the permit
 9 is to be located meets the following criteria:
- 10 (1) The project boundaries must border on at least one (1) side of
 11 a river.
- 12 (2) The proposed permit premises may not be located more than:
 13 (A) one thousand five hundred (1,500) feet; or
 14 (B) three (3) city blocks;
 15 from the river, whichever is greater. However, if the area adjacent
 16 to the river is incapable of being developed because the area is in
 17 a floodplain, or for any other reason that prevents the area from
 18 being developed, the distances described in clauses (A) and (B)
 19 are measured from the city blocks located nearest to the river that
 20 are capable of being developed.
- 21 (3) The permit premises are located within:
 22 (A) an economic development area, a redevelopment project
 23 area, an urban renewal area, or a redevelopment area
 24 established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;
 25 (B) an economic development project district under
 26 IC 36-7-15.2 or IC 36-7-26; or
 27 (C) a community revitalization enhancement district
 28 designated under IC 36-7-13-12.1.
- 29 (4) The project must be funded in part with state and city money.
- 30 (5) The boundaries of the municipal riverfront development
 31 project must be designated by ordinance or resolution by the
 32 legislative body (as defined in ~~IC 36-1-2-9(3)~~ **IC 36-1-2-9(2)** or
 33 ~~IC 36-1-2-9(4)~~ **IC 36-1-2-9(3)**) of the city in which the project
 34 is located.
- 35 (c) Proof of compliance with subsection (b) must consist of the
 36 following documentation, which is required at the time the permit
 37 application is filed with the commission:
- 38 (1) A detailed map showing:
 39 (A) definite boundaries of the entire municipal riverfront
 40 development project; and
 41 (B) the location of the proposed permit within the project.
- 42 (2) A copy of the local ordinance or resolution of the local



- 1 governing body authorizing the municipal riverfront development
 2 project.
- 3 (3) Detailed information concerning the expenditures of state and
 4 city funds on the municipal riverfront development project.
- 5 (d) Notwithstanding subsection (b), the commission may issue a
 6 permit for premises, the location of which does not meet the criteria of
 7 subsection (b)(2), if all the following requirements are met:
- 8 (1) All other requirements of this section and section 16(d) of this
 9 chapter are satisfied.
- 10 (2) The proposed premises is located not more than:
- 11 (A) three thousand (3,000) feet; or
 12 (B) six (6) blocks;
 13 from the river, whichever is greater. However, if the area adjacent
 14 to the river is incapable of being developed because the area is in
 15 a floodplain, or for any other reason that prevents the area from
 16 being developed, the distances described in clauses (A) and (B)
 17 are measured from the city blocks located nearest to the river that
 18 are capable of being developed.
- 19 (3) The permit applicant satisfies the criteria established by the
 20 commission by rule adopted under IC 4-22-2. The criteria
 21 established by the commission may require that the proposed
 22 premises be located in an area or district set forth in subsection
 23 (b)(3).
- 24 (4) The permit premises may not be located less than two hundred
 25 (200) feet from facilities owned by a state educational institution.
- 26 (e) A permit may not be issued if the proposed permit premises is
 27 the location of an existing three-way permit subject to IC 7.1-3-22-3.
- 28 SECTION 128. IC 13-11-2-74, AS AMENDED BY P.L.77-2014,
 29 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 74. "Executive" means the **following**:
- 31 (1) **The** board of commissioners of a county that
 32 ~~(A) does not have a consolidated city. and~~
 33 ~~(B) is not subject to IC 36-2-2.5;~~
- 34 ~~(2) single county executive elected under IC 3-10-2-13; for a~~
 35 ~~county that:~~
 36 ~~(A) does not have a consolidated city; and~~
 37 ~~(B) is subject to IC 36-2-2.5;~~
- 38 ~~(3) (2) The~~ mayor of the consolidated city, for a county having a
 39 consolidated city.
- 40 ~~(4) (3) The~~ mayor of a city. ~~or~~
- 41 ~~(5) (4) The~~ president of the town council of a town.
- 42 SECTION 129. IC 20-23-8-8.5, AS ADDED BY P.L.271-2013,



1 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 8.5. (a) ~~Not later than December 31, 2013~~; The
3 governing body shall do the following:

4 (1) Send a copy of the school corporation's plan to the circuit
5 court clerk of each county in which the school corporation is
6 located.

7 (2) If any members of the governing body are elected from
8 election districts voted upon by only the registered voters residing
9 within the election district, certify that the election districts
10 comply with section 8 of this chapter.

11 (b) This subsection applies during the first year after a year in which
12 a federal decennial census is conducted. The governing body shall
13 amend the plan under section 8 of this chapter if an amendment is
14 necessary to reestablish the districts in compliance with section 8 of
15 this chapter. If the governing body determines that a plan amendment
16 under section 8 of this chapter is not required, the governing body shall
17 recertify that the districts as established comply with section 8 of this
18 chapter.

19 (c) Each time the school corporation's plan is amended, the
20 governing body shall file the following with the circuit court clerk of
21 each county in which the school corporation is located:

22 (1) A copy of the amendment.

23 (2) Either of the following:

24 (A) A certification that the plan amendment does not require
25 reestablishment of the school corporation's election districts to
26 comply with section 8 of this chapter.

27 (B) If the plan amendment requires reestablishment of the
28 school corporation's election districts to comply with section
29 8 of this chapter, a map of the new district boundaries.

30 (d) A plan amendment or recertification under this section must be
31 filed not later than thirty (30) days after the amendment or
32 recertification occurs.

33 (e) If a conflict exists between:

34 (1) a map showing the boundaries of a district; and

35 (2) a description of the boundaries of that district set forth in the
36 plan or plan amendment;

37 the district boundaries are the description of the boundaries set forth in
38 the plan or plan amendment, not the boundaries shown on the map, to
39 the extent there is a conflict between the description and the map.

40 SECTION 130. IC 20-23-12-9, AS AMENDED BY P.L.74-2017,
41 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2019]: Sec. 9. The members are elected as follows:



- 1 (1) Three (3) of the members elected under section 3(b) of this
 2 chapter are elected at the general election to be held in 2020 and
 3 every four (4) years thereafter.
- 4 (2) Three (3) of the members elected under section 3(b) of this
 5 chapter are elected at the general election to be held in ~~2018~~ **2022**
 6 and every four (4) years thereafter.
- 7 (3) The at-large member elected under section 3(c) of this chapter
 8 is elected at the general election to be held in 2020 and every four
 9 (4) years thereafter.
- 10 SECTION 131. IC 20-23-14-9, AS AMENDED BY P.L.74-2017,
 11 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 9. The members are elected as follows:
- 13 (1) Three (3) of the members are elected at the general election to
 14 be held in 2020 and every four (4) years thereafter.
- 15 (2) Two (2) of the members are elected at the general election to
 16 be held in ~~2018~~ **2022** and every four (4) years thereafter.
- 17 SECTION 132. IC 20-23-17.2-3.1, AS AMENDED BY
 18 P.L.74-2017, SECTION 73, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2019]: Sec. 3.1. (a) The governing body of the
 20 school corporation consists of five (5) members, elected as provided in
 21 this chapter.
- 22 (b) Three (3) members shall be elected as follows:
- 23 (1) From districts established as provided in section 4.1 of this
 24 chapter.
- 25 (2) On a nonpartisan basis.
- 26 (3) At the general election held in the county in ~~2018~~ **2022** and
 27 every four (4) years thereafter.
- 28 (c) Two (2) members shall be elected as follows:
- 29 (1) At large by all the voters of the school corporation.
- 30 (2) On a nonpartisan basis.
- 31 (3) At the general election held in the county in ~~2016~~ **2020** and
 32 every four (4) years thereafter.
- 33 (d) The term of office of a member of the governing body:
- 34 (1) is four (4) years; and
- 35 (2) begins January 1 after the election of members of the
 36 governing body.
- 37 (e) Upon assuming office and in conducting the business of the
 38 governing body, a member shall represent the interests of the entire
 39 school corporation.
- 40 SECTION 133. IC 20-24-2.3-2, AS AMENDED BY P.L.77-2014,
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 2. As used in this chapter, "executive" has the



1 meaning set forth in ~~IC 36-1-2-5(3)~~: **IC 36-1-2-5(2)**.

2 SECTION 134. IC 20-46-1-14, AS AMENDED BY P.L.85-2017,
3 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 14. (a) The referendum shall be held in the
5 next primary election, general election, or municipal election in which
6 all the registered voters who are residents of the appellant school
7 corporation are entitled to vote after certification of the question under
8 IC 3-10-9-3. The certification of the question must occur not later than
9 noon:

10 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if
11 the question is to be placed on the primary or municipal primary
12 election ballot; or

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

15 (b) However, if a primary election, general election, or municipal
16 election will not be held during the first year in which the public
17 question is eligible to be placed on the ballot under this chapter and if
18 the appellant school corporation requests the public question to be
19 placed on the ballot at a special election, the public question shall be
20 placed on the ballot at a special election to be held on the first Tuesday
21 after the first Monday in May or November of the year. The
22 certification must occur not later than noon:

23 (1) sixty (60) days before a special election to be held in May (if
24 the special election is to be held in May); or

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

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

31 SECTION 135. IC 33-35-1-1, AS AMENDED BY P.L.161-2018,
32 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2019]: Sec. 1. (a) During ~~2018~~ **2022** and every fourth year
34 after that, a second or third class city or a town may by ordinance
35 establish or abolish a city or town court. An ordinance to establish a
36 city or town court must be adopted not less than one (1) year before the
37 judge's term would begin under section 3 of this chapter.

38 (b) The judge for a court established under subsection (a) shall be
39 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in
40 November 2019 and every four (4) years thereafter.

41 (c) A court established under subsection (a) comes into existence on
42 January 1 of the year following the year in which a judge is elected to



1 serve in that court.

2 (d) A city or town court in existence on January 1, 1986, may
3 continue in operation until it is abolished by ordinance.

4 (e) A city or town that establishes or abolishes a court under this
5 section shall give notice of its action to **the following**:

6 (1) The office of judicial administration under IC 33-24-6.

7 (2) **The secretary of state.**

8 (3) **The circuit court clerk of the county in which the greatest
9 population of the city or town resides.**

10 SECTION 136. IC 35-52-36-1.5 IS REPEALED [EFFECTIVE
11 JULY 1, 2019]. ~~Sec. 1-5. IC 36-2-2.5-15 defines a crime concerning
12 single county executives.~~

13 SECTION 137. IC 36-1-2-5, AS AMENDED BY P.L.77-2014,
14 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 5. "Executive" means the **following**:

16 (1) **The board of commissioners, for a county that**

17 ~~(A) does not have a consolidated city. and~~

18 ~~(B) is not subject to IC 36-2-2.5;~~

19 ~~(2) single county executive elected under IC 3-10-2-13; for a
20 county that:~~

21 ~~(A) does not have a consolidated city; and~~

22 ~~(B) is subject to IC 36-2-2.5;~~

23 ~~(3) (2) The mayor of the consolidated city, for a county having a
24 consolidated city.~~

25 ~~(4) (3) The mayor, for a city.~~

26 ~~(5) (4) The president of the town council, for a town.~~

27 ~~(6) (5) The trustee, for a township.~~

28 ~~(7) (6) The superintendent, for a school corporation. or~~

29 ~~(8) (7) The chief executive officer, for any other political
30 subdivision.~~

31 SECTION 138. IC 36-1-2-9, AS AMENDED BY P.L.77-2014,
32 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2019]: Sec. 9. "Legislative body" means the **following**:

34 (1) **The board of county commissioners, for a county not subject
35 to IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.**

36 ~~(2) county council; for a county subject to IC 36-2-2.5 or
37 IC 36-2-3.5;~~

38 ~~(3) (2) The city-county council, for a consolidated city or county
39 having a consolidated city.~~

40 ~~(4) (3) The common council, for a city other than a consolidated
41 city.~~

42 ~~(5) (4) The town council, for a town.~~



1 ~~(6)~~ **(5)** The township board, for a township.

2 ~~(7)~~ **(6)** The governing body of any other political subdivision that
3 has a governing body. ~~or~~

4 ~~(8)~~ **(7)** The chief executive officer of any other political
5 subdivision that does not have a governing body.

6 SECTION 139. IC 36-1-2-24, AS AMENDED BY P.L.77-2014,
7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2019]: Sec. 24. "Works board" means the **following**:

9 (1) **The** board of commissioners, for a county

10 ~~(A)~~ not having a consolidated city. ~~and~~

11 ~~(B)~~ not subject to IC 36-2-2.5;

12 ~~(2)~~ single county executive for a county:

13 ~~(A)~~ not having a consolidated city; and

14 ~~(B)~~ subject to IC 36-2-2.5;

15 ~~(3)~~ **(2)** The board of public works or board of public works and
16 safety, for a city. ~~or~~

17 ~~(4)~~ **(3)** The town council, for a town.

18 SECTION 140. IC 36-1-3-6, AS AMENDED BY P.L.77-2014,
19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2019]: Sec. 6. (a) If there is a constitutional or statutory
21 provision requiring a specific manner for exercising a power, a unit
22 wanting to exercise the power must do so in that manner.

23 (b) If there is no constitutional or statutory provision requiring a
24 specific manner for exercising a power, a unit wanting to exercise the
25 power must either:

26 (1) if the unit is a county or municipality, adopt an ordinance
27 prescribing a specific manner for exercising the power;

28 (2) if the unit is a township, adopt a resolution prescribing a
29 specific manner for exercising the power; or

30 (3) comply with a statutory provision permitting a specific manner
31 for exercising the power.

32 (c) An ordinance under subsection (b)(1) must be adopted as
33 follows:

34 (1) In a municipality, by the legislative body of the municipality.

35 (2) In a county subject to ~~IC 36-2-2.5, IC 36-2-3.5, or~~ IC 36-3-1,
36 by the legislative body of the county.

37 (3) In any other county, by the executive of the county.

38 (d) A resolution under subsection (b)(2) must be adopted by the
39 legislative body of the township.

40 SECTION 141. IC 36-2-2-1, AS AMENDED BY P.L.77-2014,
41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2019]: Sec. 1. Except as specifically provided, this chapter



- 1 does not apply to the following:
- 2 (†) a county having a consolidated city.
- 3 (2) ~~A county in which a single county executive has been elected~~
- 4 ~~and is serving under IC 36-2-2.5.~~
- 5 SECTION 142. IC 36-2-2.4 IS REPEALED [EFFECTIVE JULY 1,
- 6 2019]. (Determination of County Government Structure).
- 7 SECTION 143. IC 36-2-2.5 IS REPEALED [EFFECTIVE JULY 1,
- 8 2019]. (Single County Executive).
- 9 SECTION 144. IC 36-2-2.7 IS REPEALED [EFFECTIVE JULY 1,
- 10 2019]. (Reversion to Previous County Government Structure).
- 11 SECTION 145. IC 36-2-3-4, AS AMENDED BY P.L.77-2014,
- 12 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2019]: Sec. 4. (a) This subsection does not apply to a county
- 14 having a population of:
- 15 (1) more than four hundred thousand (400,000) but less than
- 16 seven hundred thousand (700,000); or
- 17 (2) more than two hundred fifty thousand (250,000) but less than
- 18 two hundred seventy thousand (270,000).
- 19 ~~Except as provided in section 4.1 of this chapter,~~ The county executive
- 20 shall, by ordinance, divide the county into four (4) contiguous,
- 21 single-member districts that comply with subsection (d). If necessary,
- 22 the county auditor shall call a special meeting of the executive to
- 23 establish or revise districts. One (1) member of the fiscal body shall be
- 24 elected by the voters of each of the four (4) districts. Three (3) at-large
- 25 members of the fiscal body shall be elected by the voters of the whole
- 26 county.
- 27 (b) This subsection applies to a county having a population of more
- 28 than four hundred thousand (400,000) but less than seven hundred
- 29 thousand (700,000). The county redistricting commission established
- 30 under IC 36-2-2-4 shall divide the county into seven (7) single-member
- 31 districts that comply with subsection (d). One (1) member of the fiscal
- 32 body shall be elected by the voters of each of these seven (7)
- 33 single-member districts.
- 34 (c) This subsection applies to a county having a population of more
- 35 than two hundred fifty thousand (250,000) but less than two hundred
- 36 seventy thousand (270,000). The fiscal body shall divide the county
- 37 into nine (9) single-member districts that comply with subsection (d).
- 38 Three (3) of these districts must be contained within each of the three
- 39 (3) districts established under IC 36-2-2-4(c). One (1) member of the
- 40 fiscal body shall be elected by the voters of each of these nine (9)
- 41 single-member districts.
- 42 (d) Single-member districts established under subsection (a), (b), or



- 1 (c) must:
- 2 (1) be compact, subject only to natural boundary lines (such as
- 3 railroads, major highways, rivers, creeks, parks, and major
- 4 industrial complexes);
- 5 (2) not cross precinct boundary lines;
- 6 (3) contain, as nearly as possible, equal population; and
- 7 (4) include whole townships, except when a division is clearly
- 8 necessary to accomplish redistricting under this section.
- 9 (e) Except as provided by subsection (g), a division under
- 10 subsection (a), (b), or (c) shall be made:
- 11 (1) during the first year after a year in which a federal decennial
- 12 census is conducted; and
- 13 (2) when the county executive adopts an order declaring a county
- 14 boundary to be changed under IC 36-2-1-2.
- 15 (f) A division under subsection (a), (b), or (c) may be made in any
- 16 odd-numbered year not described in subsection (e). ~~In a county in~~
- 17 ~~which a public question is approved under IC 36-2-2.7-5, a division~~
- 18 ~~under subsection (a) shall be made by the county council during the~~
- 19 ~~year before county council members will be elected under~~
- 20 ~~IC 36-2-2.7-6(8).~~
- 21 (g) This subsection applies during the first year after a year in which
- 22 a federal decennial census is conducted. If the county executive, county
- 23 redistricting commission, or county fiscal body determines that a
- 24 division under subsection (e) is not required, the county executive,
- 25 county redistricting commission, or county fiscal body shall adopt an
- 26 ordinance recertifying that the districts as drawn comply with this
- 27 section.
- 28 (h) Each time there is a division under subsection (e) or (f) or a
- 29 recertification under subsection (g), the county executive, county
- 30 redistricting commission, or county fiscal body shall file with the
- 31 circuit court clerk of the county, not later than thirty (30) days after the
- 32 division or recertification occurs, a map of the district boundaries:
- 33 (1) adopted under subsection (e) or (f); or
- 34 (2) recertified under subsection (g).
- 35 (i) The limitations set forth in this section are part of the ordinance,
- 36 but do not have to be specifically set forth in the ordinance. The
- 37 ordinance must be construed, if possible, to comply with this chapter.
- 38 If a provision of the ordinance or an application of the ordinance
- 39 violates this chapter, the invalidity does not affect the other provisions
- 40 or applications of the ordinance that can be given effect without the
- 41 invalid provision or application. The provisions of the ordinance are
- 42 severable.



1 (j) If a conflict exists between:

2 (1) a map showing the boundaries of a district; and

3 (2) a description of the boundaries of that district set forth in the
4 ordinance;

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

8 SECTION 146. IC 36-2-3-4.1 IS REPEALED [EFFECTIVE JULY
9 1, 2019]. Sec. 4.1: (a) This section applies only to a county:

10 (1) that has a population of more than three hundred thousand
11 (300,000) but less than four hundred thousand (400,000); and

12 (2) in which a public question under IC 36-2-2.4 making the
13 county executive a single county executive has been approved by
14 the voters of the county.

15 (b) Effective for the 2018 general election, the county fiscal body
16 shall by ordinance divide the county into nine (9) contiguous,
17 single-member districts that comply with subsection (c). One (1)
18 member of the fiscal body shall be elected by the voters of each of the
19 nine (9) districts:

20 (c) Single-member districts established under subsection (b) must:

21 (1) be compact, subject only to natural boundary lines (such as
22 railroads, major highways, rivers, creeks, parks, and major
23 industrial complexes);

24 (2) not cross precinct boundary lines;

25 (3) contain, as nearly as possible, equal population;

26 (4) include whole townships, except when a division is clearly
27 necessary to accomplish redistricting under this section;

28 (5) consider how communities of interest within the county can
29 best be represented; and

30 (6) be drawn so as to provide at least one (1) representative to
31 each distinct community of interest to the extent practicable and
32 not inconsistent with other applicable law.

33 (d) A division under subsection (b) shall be made:

34 (1) effective for the 2018 general election; and

35 (2) whenever the county executive adopts an order declaring a
36 county boundary to be changed under IC 36-2-1-2.

37 (e) After a division is initially made under subsection (b); another
38 division may be made in any odd-numbered year not described in
39 subsection (d).

40 SECTION 147. IC 36-2-3.7 IS REPEALED [EFFECTIVE JULY 1,
41 2019]. (County Council as the County Legislative Body).

42 SECTION 148. IC 36-2-4-8, AS AMENDED BY P.L.77-2014,



1 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 8. (a) An ordinance, order, or resolution is
3 considered adopted when it is signed by the presiding officer. If
4 required, an adopted ordinance, order, or resolution must be
5 promulgated or published according to statute before it takes effect.

6 (b) An ordinance prescribing a penalty or forfeiture for a violation
7 must, before it takes effect, be published once each week for two (2)
8 consecutive weeks, according to IC 5-3-1. ~~However, if such an~~
9 ~~ordinance is adopted by the legislative body of a county subject to~~
10 ~~IC 36-2-2.5 or IC 36-2-3.5 and there is an urgent necessity requiring its~~
11 ~~immediate effectiveness, it need not be published if:~~

12 ~~(1) the county executive proclaims the urgent necessity; and~~

13 ~~(2) copies of the ordinance are posted in three (3) public places in~~
14 ~~each of the districts of the county before it takes effect.~~

15 (c) The following apply in addition to the other requirements of this
16 section:

17 ~~(1) An ordinance or resolution passed by the legislative body of~~
18 ~~a county subject to IC 36-2-2.5 or IC 36-2-3.5 is considered~~
19 ~~adopted only if it is:~~

20 ~~(A) approved by signature of a majority of the county~~
21 ~~executive (in the case of a county subject to IC 36-2-3.5) or by~~
22 ~~signature of the single county executive (in the case of a~~
23 ~~county subject to IC 36-2-2.5);~~

24 ~~(B) neither approved nor vetoed by a majority of the executive~~
25 ~~(in the case of a county subject to IC 36-2-3.5) or by the single~~
26 ~~county executive (in the case of a county subject to~~
27 ~~IC 36-2-2.5); within ten (10) days after passage by the~~
28 ~~legislative body; or~~

29 ~~(C) passed over the veto of the executive by a two-thirds (2/3)~~
30 ~~vote of the legislative body; within sixty (60) days after~~
31 ~~presentation of the ordinance or resolution to the executive.~~

32 ~~(2) (1) Subject to subsection (g), the legislative body of a county~~
33 ~~shall:~~

34 ~~(A) subject to subdivision (3), give written notice to the~~
35 ~~department of environmental management not later than sixty~~
36 ~~(60) days before amendment or repeal of an environmental~~
37 ~~restrictive ordinance; and~~

38 ~~(B) give written notice to the department of environmental~~
39 ~~management not later than thirty (30) days after passage,~~
40 ~~amendment, or repeal of an environmental restrictive~~
41 ~~ordinance.~~

42 ~~(3) (2) Upon written request by the legislative body, the~~



1 department of environmental management may waive the notice
2 requirement of subdivision ~~(2)(A)~~: **(1)(A)**.

3 ~~(4)~~ **(3)** An environmental restrictive ordinance passed or amended
4 after 2009 by the legislative body must state the notice
5 requirements of subdivision ~~(2)~~: **(1)**.

6 ~~(5)~~ **(4)** The failure of an environmental restrictive ordinance to
7 comply with subdivision ~~(4)~~ **(3)** does not void the ordinance.

8 ~~(d)~~ After an ordinance or resolution passed by the legislative body
9 of a county subject to IC 36-2-2.5 or IC 36-2-3.5 has been signed by the
10 presiding officer, the county auditor shall present it to the county
11 executive, and record the time of the presentation. Within ten ~~(10)~~ days
12 after an ordinance or resolution is presented to it, the executive shall:

13 ~~(1)~~ approve the ordinance or resolution, by signature of a majority
14 of the executive (in the case of a county subject to IC 36-2-3.5) or
15 by signature of the single county executive (in the case of a
16 county subject to IC 36-2-2.5); and send the legislative body a
17 message announcing its approval; or

18 ~~(2)~~ veto the ordinance or resolution, by returning it to the
19 legislative body with a message announcing its veto and stating
20 its reasons for the veto.

21 ~~(e)~~ **(d)** This section (other than subsection ~~(e)(2)~~ **(c)(1)**) does not
22 apply to a zoning ordinance or amendment to a zoning ordinance, or a
23 resolution approving a comprehensive plan, that is adopted under
24 IC 36-7.

25 ~~(f)~~ **(e)** An ordinance increasing a building permit fee on new
26 development must:

27 (1) be published:

28 (A) one (1) time in accordance with IC 5-3-1; and

29 (B) not later than thirty (30) days after the ordinance is
30 adopted by the legislative body in accordance with IC 5-3-1;
31 and

32 (2) delay the implementation of the fee increase for ninety (90)
33 days after the date the ordinance is published under subdivision
34 (1).

35 ~~(g)~~ The notice requirements of subsection ~~(e)(2)~~ **(c)(1)** apply only
36 if the municipal corporation received under IC 13-25-5-8.5(f) written
37 notice that the department is relying on the environmental restrictive
38 ordinance referred to in subsection ~~(e)(2)~~ **(c)(1)** as part of a risk based
39 remediation proposal:

40 (1) approved by the department; and

41 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or
42 IC 13-25-5.



1 SECTION 149. IC 36-5-1-20, AS AMENDED BY P.L.77-2014,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 20. (a) This section does not apply to a town
4 described by IC 36-5-1-11.5.

5 (b) A town subject to this chapter may be dissolved if the county
6 election board of the county in which the greatest percentage of
7 population of the town is located conducts a public hearing and finds
8 that the town has not elected town officers or had a functioning town
9 government during the preceding ten (10) years.

10 (c) The county election board shall certify the board's findings to the
11 county executive, who may adopt an ordinance. ~~or (in a county subject~~
12 ~~to IC 36-2-2.5 or IC 36-2-3.5) issue an order to dissolve the town.~~

13 SECTION 150. IC 36-6-6-2, AS AMENDED BY P.L.266-2013,
14 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 2. (a) Except as provided in subsection (b) and
16 section 2.1 of this chapter, a three (3) member township board shall be
17 elected under IC 3-10-2-13 by the voters of each township.

18 (b) The township board in a county containing a consolidated city
19 shall consist of ~~the following~~:

20 ~~(1) Before January 1, 2017, seven (7) members elected under~~
21 ~~IC 3-10-2-13 by the voters of each township.~~

22 ~~(2) After December 31, 2016, five (5) members elected under~~
23 ~~IC 3-10-2-13 by the voters of each township.~~

24 (c) The township board is the township legislative body.

25 (d) The term of office of a township board member is four (4) years,
26 beginning January 1 after election and continuing until a successor is
27 elected and qualified.

28 SECTION 151. IC 36-9-13-2, AS AMENDED BY P.L.233-2015,
29 SECTION 340, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2019]: Sec. 2. For purposes of this chapter, the
31 following are considered the governing bodies of their respective
32 eligible entities:

33 (1) Board of commissioners, for a county not subject to
34 ~~IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.~~

35 ~~(2) County council, for a county subject to IC 36-2-2.5 or~~
36 ~~IC 36-2-3.5.~~

37 ~~(3) (2) City-county council, for a consolidated city or county~~
38 ~~having a consolidated city.~~

39 ~~(4) (3) Common council, for a city other than a consolidated city.~~

40 ~~(5) (4) Town council, for a town.~~

41 ~~(6) (5) Trustee and township board, for a civil township.~~

42 ~~(7) (6) Board of school trustees, board of school commissioners,~~



1 or school board, for a school corporation.

2 ~~(8)~~ (7) Board of trustees, for a health and hospital corporation.

3 SECTION 152. IC 36-9-27-5, AS AMENDED BY P.L.77-2014,
4 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 5. (a) Except in a county having a consolidated
6 city or as provided in subsection (d), the drainage board consists of
7 either:

8 (1) the county executive; or

9 (2) three (3) or five (5) persons, at least one (1) of whom must be
10 a member of the executive, appointed by the executive;
11 at the option of the executive. Appointees under subdivision (2) must
12 be resident freeholders of the county who are knowledgeable in
13 drainage matters. Freeholders appointed to the board serve for terms of
14 three (3) years, with their initial appointments made so as to provide for
15 staggering of terms on an annual basis. In addition, the county surveyor
16 serves on the board as an ex officio, nonvoting member.

17 (b) In a county having a consolidated city, the board of public works
18 of the consolidated city comprises the drainage board, subject to
19 IC 36-3-4-23.

20 (c) In a county having a consolidated city, the department of public
21 works of the consolidated city has all the powers, duties, and
22 responsibilities of the county surveyor under this chapter, subject to
23 IC 36-3-4-23.

24 (d) The following apply in a county that is subject to IC 36-2-2.5:

25 (1) The drainage board consists of:

26 (A) the single county executive; and

27 ~~(B)~~ two (2) or four (4) persons (as determined by the single
28 county executive) who are appointed by the single county
29 executive.

30 (2) Appointees under subdivision (1)(B) must be resident
31 freeholders of the county who are knowledgeable in drainage
32 matters.

33 (3) The freeholders appointed to the drainage board serve for
34 terms of three (3) years; with the freeholders' initial appointments
35 made so as to provide for staggering of terms on an annual basis.

36 ~~(4)~~ The county surveyor serves on the drainage board as an ex
37 officio, nonvoting member.

38 ~~(5)~~ The terms of members serving on the drainage board at the
39 time the first single county executive is elected under IC 36-2-2.5
40 expire on January 1, 2019; and the single county executive shall
41 make the appointments to the board as provided in this
42 subsection.



1 **SECTION 153. An emergency is declared for this act.**

