



February 6, 2019

SENATE BILL No. 560

DIGEST OF SB 560 (Updated February 4, 2019 4:42 pm - DI 104)

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; IC 3-14; IC 5-6; IC 5-8; IC 7.1-3; IC 11-8; IC 13-11; IC 20-23; IC 20-24; IC 20-46; IC 33-35; IC 35-52; IC 36-1; IC 36-2; IC 36-5; IC 36-6; IC 36-9.

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. Authorizes the Indiana election commission to determine the validity of a candidate's nomination for certain offices. 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 except in certain circumstances. Transfers various duties from the county executive to the election board. 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
(Continued next page)

Effective: Upon passage; July 1, 2019.

Houchin

January 14, 2019, read first time and referred to Committee on Elections.
February 5, 2019, amended, reported favorably — Do Pass.

SB 560—LS 7331/DI 75



Digest Continued

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. Sets forth procedures when notice of a resignation was received but timely notice was not provided. 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 language that required: (1) the co-directors of the election division to notify a county executive of the approval of a precinct establishment order by the commission and notice by the county executive through publication; and (2) the county executive to file the order with the county voter registration office and county auditor. Repeals language requiring resolutions concerning absentee ballot counting to be filed with the election division and requirements of the resolutions. 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.

SB 560—LS 7331/DI 75



February 6, 2019

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.

SB 560—LS 7331/DI 75



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 3-6-5-35, AS ADDED BY P.L.230-2005,
24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2019]: Sec. 35. (a) An individual who knowingly, recklessly,
26 or negligently fails to perform a duty as a precinct election officer
27 required by this title is subject to a civil penalty under this section in
28 addition to any other penalty imposed.

29 (b) If the county election board determines, by unanimous vote of
30 the entire membership of the board, that an individual serving as a
31 precinct election officer has failed to perform a duty required by this
32 title, the board:

33 **(1) may remove a precinct election officer; and**

34 **(2) if the officer is removed,** shall assess the individual a civil
35 penalty of not more than five hundred dollars (\$500).

36 (c) A civil penalty assessed under this section may be deducted from
37 any compensation that the individual may otherwise be entitled to
38 under IC 3-6-6.

39 SECTION 9. IC 3-6-12-2, AS ADDED BY P.L.186-2013,
40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2019]: Sec. 2. As used in this chapter, "petition carrier" refers
42 to an individual who circulates a petition that is required to place a



1 candidate or a public question on the ballot. **The term includes a**
 2 **candidate circulating a petition for the candidate's placement on**
 3 **the ballot.**

4 SECTION 10. IC 3-7-26.3-23 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 23. (a) The
 6 computerized list must include absentee ballot management features
 7 that do the following:

8 (1) Manage absentee ballots based on the type, eligibility, and
 9 status of the absentee voter.

10 (2) Permit the printing of absentee labels by group or date, or by
 11 individual for use by a voter voting in person at the county
 12 election board office.

13 (3) Permit the documentation of the date on which each absentee
 14 ballot is issued and returned.

15 (4) Permit the printing of absentee ballot applications with voter
 16 registration information for the absentee ballot applicant.

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

20 SECTION 11. IC 3-7-26.3-34, AS ADDED BY P.L.216-2015,
 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 34. ~~Beginning not later than January 7, 2016,~~
 23 The secretary of state and the co-directors of the election division shall
 24 provide the information regarding:

25 (1) the location of polling places and vote center locations; and

26 (2) the:

27 (A) names of candidates who; and

28 (B) public questions that;

29 will appear on ballots in an election;

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

32 SECTION 12. IC 3-7-26.7-4, AS ADDED BY P.L.120-2009,
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 4. ~~After June 30, 2010;~~ An individual described
 35 in section 1 of this chapter may submit a voter registration application
 36 to a county voter registration office using the procedures set forth in
 37 this chapter.

38 SECTION 13. IC 3-7-33-5, AS AMENDED BY P.L.169-2015,
 39 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 5. (a) When the county voter registration office
 41 receives an application for a new registration or an application with
 42 information that revises or adds information to the applicant's current



1 voter registration record, the county voter registration office shall
 2 determine if the applicant appears to be eligible to register to vote
 3 based on the information in the application.

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

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

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

11 As required under 52 U.S.C. 20507(a)(2), the county voter registration
 12 office shall send a notice to each person from whom the county voter
 13 registration office receives a voter registration application. The county
 14 voter registration office shall send a notice to the applicant at the
 15 mailing address provided in the application.

16 (c) The notice required by subsection (b) must set forth the
 17 following:

18 (1) A statement that the application has been received.

19 (2) The disposition of the application by the county voter
 20 registration office.

21 (3) If the county voter registration office determines that the
 22 applicant appears to be eligible, the notice must state the
 23 following:

24 (A) Except as provided under subsection (g), the applicant is
 25 registered to vote under the residence address when the
 26 applicant receives the notice. An applicant is presumed to
 27 have received the notice unless the notice is returned by the
 28 United States Postal Service due to an unknown or insufficient
 29 address and received by the county voter registration office not
 30 later than seven (7) days after the notice is mailed to the
 31 applicant.

32 (B) The name of the precinct in which the voter is registered.

33 (C) The address of the polling place for the precinct in which
 34 the voter is registered.

35 (4) In accordance with 52 U.S.C. 20302(d), if the county voter
 36 registration office has denied the application, the notice must
 37 include the reasons for the denial.

38 (d) The notice required by subsection (b) may not include a voter
 39 identification number.

40 (e) The notice required by subsection (b) may include a voter
 41 registration card.

42 (f) If the notice is returned by the United States Postal Service due



1 to an unknown or insufficient address, the county voter registration
 2 office shall determine that the applicant is ineligible and deny the
 3 application.

4 (g) During the seven (7) days following the mailing of the notice to
 5 the voter under this section, the county voter registration office shall
 6 indicate in the computerized list maintained under IC 3-7-26.3 that the
 7 application is pending. If the notice:

8 (1) is not returned by the United States Postal Service and
 9 received by the county voter registration office at; or

10 (2) is received by the applicant by United States Postal Service
 11 delivery and presented in person by the applicant to the county
 12 voter registration office before;

13 the expiration of the seven (7) day period under subsection (c), the
 14 county voter registration office shall indicate in the computerized list
 15 that the applicant is a registered voter **at the address set forth by the**
 16 **applicant as the applicant's current address.**

17 (h) If:

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

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

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

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

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

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

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



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

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

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

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

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

17 SECTION 14. IC 3-7-38.2-16.1, AS ADDED BY P.L.201-2017,
18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2019]: Sec. 16.1. ~~(a) This section applies only after December~~
20 ~~31, 2018.~~

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

27 SECTION 15. IC 3-7-40-6, AS AMENDED BY P.L.64-2014,
28 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2019]: Sec. 6. When notified by:

30 (1) the NVRA official of a conversion from rural route addresses
31 to numbered addresses under this chapter;

32 **(2) the United States Postal Service of a conversion from rural**
33 **route addresses to numbered addresses;**

34 ~~(2)~~ **(3)** the United States Postal Service that mail delivery to postal
35 boxes located in a United States Postal Service facility will be
36 discontinued and replaced by residential delivery; or

37 ~~(3)~~ **(4)** a local public official (or plan commission) under section
38 3 of this chapter of:

39 (A) the naming or renaming of streets;

40 (B) the numbering or renumbering of lots or structures; or

41 (C) the conversion of rural route addresses to numbered
42 addresses;



1 the county voter registration office shall, as soon as practicable, amend
2 the entry for the voter in the computerized list under IC 3-7-26.3.

3 SECTION 16. IC 3-8-1-2, AS AMENDED BY P.L.74-2017,
4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 2. (a) This section does not apply to a candidate
6 challenged under IC 3-8-8.

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

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

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

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

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

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

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

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

23 (c) The commission has jurisdiction to act under this section with
24 regard to any filing described in subsection (b) that was made with the
25 election division. Except for a filing under the jurisdiction of a town
26 election board, a county election board has jurisdiction to act under this
27 section with regard to any filing described in subsection (b) that was
28 made with the county election board, county voter registration office,
29 or the circuit court clerk. A town election board has jurisdiction to act
30 under this section with regard to any filing that was made with the
31 county election board, the county voter registration office, or the circuit
32 court clerk for nomination or election to a town office.

33 (d) Except as provided in subsection (f), before the commission or
34 election board acts under this section, a registered voter of the election
35 district that a candidate seeks to represent or a county chairman of a
36 major political party of a county in which any part of the election
37 district is located must file a sworn statement **before a person**
38 **authorized to administer oaths**, with the election division or election
39 board:

40 (1) questioning the eligibility of the candidate to seek the office;
41 and

42 (2) setting forth the facts known to the voter or county chairman



- 1 of a major political party of a county concerning this question.
- 2 (e) The eligibility of a write-in candidate or a candidate nominated
- 3 by a convention, petition, or primary may not be challenged under this
- 4 section if the commission or board determines that all of the following
- 5 occurred:
- 6 (1) The eligibility of the candidate was challenged under this
- 7 section before the candidate was nominated.
- 8 (2) The commission or board conducted a hearing on the affidavit
- 9 before the nomination.
- 10 (3) This challenge would be based on substantially the same
- 11 grounds as the previous challenge to the candidate.
- 12 (f) Before the commission or election board can consider a contest
- 13 to the denial of a certification under IC 3-8-2.5 or IC 3-8-6-12, a
- 14 candidate (or a person acting on behalf of a candidate in accordance
- 15 with state law) must file a sworn statement with the election division
- 16 or election board:
- 17 (1) stating specifically the basis for the contest; and
- 18 (2) setting forth the facts known to the candidate supporting the
- 19 basis for the contest.
- 20 (g) Upon the filing of a sworn statement under subsection (d) or (f),
- 21 the commission or election board shall determine the validity of the
- 22 questioned:
- 23 (1) declaration of candidacy;
- 24 (2) declaration of intent to be a write-in candidate;
- 25 (3) request for ballot placement under IC 3-8-3;
- 26 (4) petition of nomination;
- 27 (5) certificate of nomination;
- 28 (6) certificate of candidate selection issued under IC 3-13-1-15 or
- 29 IC 3-13-2-8; or
- 30 (7) denial of a certification under IC 3-8-2.5 or IC 3-8-6-12.
- 31 (h) The commission or election board shall deny a filing if the
- 32 commission or election board determines that the candidate has not
- 33 complied with the applicable requirements for the candidate set forth
- 34 in the Constitution of the United States, the Constitution of the State of
- 35 Indiana, or this title.
- 36 SECTION 17. IC 3-8-1-21, AS AMENDED BY P.L.77-2014,
- 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2019]: Sec. 21. (a) A candidate for the office of county
- 39 commissioner must:
- 40 (1) have resided in the county for at least one (1) year before the
- 41 election, as provided in Article 6, Section 4 of the Constitution of
- 42 the State of Indiana; and



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

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

9 SECTION 18. IC 3-8-2-12 IS REPEALED [EFFECTIVE JULY 1,
 10 2019]. Sec. 12: (a) Not later than the close of one (1) business day after
 11 a person files a declaration of candidacy in the office of the election
 12 division or circuit court clerk, the election division or circuit court clerk
 13 shall send a statement to the candidate by:

- 14 (1) hand delivery;
- 15 (2) first class United States mail; or
- 16 (3) electronic mail.

17 (b) The election division or circuit court clerk shall send the
 18 statement (or a scanned copy of the statement, if the statement is sent
 19 by electronic mail) to the mailing address or electronic mail address set
 20 forth in the declaration of candidacy.

21 (c) The statement must show the following:

- 22 (1) That the candidate has filed a declaration.
- 23 (2) The name of the candidate.
- 24 (3) The office for which the individual is a candidate.
- 25 (4) The date on which the declaration was filed.

26 SECTION 19. IC 3-8-3-1 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section applies to
 28 candidates affiliated with a major political party of the state.

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

36 (c) A candidate described under subsection (b) may, in the
 37 alternative, file the request with the secretary of state. If the secretary
 38 of state receives a request under this subsection, the secretary shall
 39 immediately forward the request to the election division.

40 (d) Notwithstanding subsection (b), a request filed on the final day
 41 permitted under subsection (b) must be filed with the secretary of state.
 42 For all other purposes under this title, a request filed with the secretary



1 of state is subject to the same procedures and requirements as a request
2 filed with the election division.

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

10 (b) Each petition must contain the following:

11 (1) The signature of each petitioner.

12 (2) The name of each petitioner legibly printed.

13 (3) The residence address of each petitioner as set forth on the
14 petitioner's voter registration record.

15 (c) Except as provided in this subsection, the signature, printed
16 name, and residence address of the petitioner must be made in writing
17 by the petitioner. If a petitioner with a disability is unable to write this
18 information on the petition, the petitioner may authorize an individual
19 to do so on the petitioner's behalf. The individual acting under this
20 subsection shall execute an affidavit of assistance for each such
21 petitioner, in a form prescribed by the election division. The form must
22 set forth the name and address of the individual providing assistance,
23 and the date the individual provided the assistance. The form must be
24 submitted with the petition.

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

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

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

31 The petition must be signed by at least four thousand five hundred
32 (4,500) voters of Indiana, including at least five hundred (500) voters
33 from each congressional district created by the most recent
34 congressional district plan adopted under IC 3-3.

35 SECTION 21. IC 3-8-3-5.5 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2019]: Sec. 5.5. (a) **Instead of filing a petition as provided in this**
38 **chapter, a candidate may file the request for placement on the**
39 **presidential primary ballot if the candidate submits a filing fee**
40 **under this section.**

41 (b) **The presidential primary filing fee is twenty thousand**
42 **dollars (\$20,000). The fee must be paid by a certified check made**



1 out to the State of Indiana. The funds from this fee shall be
 2 deposited in the voting system technical oversight program account
 3 established by IC 3-11-17-6.

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

9 SECTION 22. IC 3-8-3-7.5 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2019]: Sec. 7.5. (a) A person who files a request for ballot
 12 placement under this chapter may file a statement prescribed
 13 under IC 3-5-4-8 stating that the person does not wish the person's
 14 name to appear on the presidential primary ballot as a candidate.

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

18 SECTION 23. IC 3-8-4-10 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) This section
 20 applies to a political party whose nominee received at least two percent
 21 (2%) but less than ten percent (10%) of the votes cast for secretary of
 22 state at the last election for that office.

23 (b) A political party subject to this section shall also nominate the
 24 party's candidates for the following offices at the state convention of
 25 the party:

- 26 (1) United States Senator.
- 27 (2) United States Representative.
- 28 (3) Governor.
- 29 (4) Legislative office.
- 30 (5) A local office listed in IC 3-8-2-5.

31 (c) A question concerning the validity of a candidate's
 32 nomination under this section for a federal office or a local office
 33 listed in IC 3-8-2-5 shall be determined by the commission in
 34 accordance with IC 3-13-1-16.5(a).

35 SECTION 24. 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 25. IC 3-8-5-10.5, AS AMENDED BY P.L.74-2017,
 32 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 10.5. (a) A person who desires to be
 34 nominated for a town office by a major political party must file a
 35 declaration of candidacy with the circuit court clerk of the county
 36 containing the greatest percentage of population of the town.
- 37 (b) A declaration of candidacy must be filed:
 38 (1) not earlier than the first date that a declaration of candidacy
 39 for a primary election may be filed under IC 3-8-2-4; and
 40 (2) not later than:
 41 (A) noon August 1 before a municipal election if the town
 42 nominates its candidates by convention; and



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



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



1 (f) A person who files a declaration of candidacy for an elected
 2 office for which a per diem or salary is provided for by law is
 3 disqualified from filing a declaration of candidacy for another office for
 4 which a per diem or salary is provided for by law until the original
 5 declaration is withdrawn.

6 (g) A person who files a declaration of candidacy for an elected
 7 office may not file a declaration of candidacy for that office in the same
 8 year as a member of a different political party until the original
 9 declaration is withdrawn.

10 (h) A person who files a declaration of candidacy under this section
 11 may file a written notice withdrawing the person's declaration of
 12 candidacy in the same manner as the original declaration was filed, if
 13 the notice of withdrawal is filed not later than:

14 (1) noon August 1 before the municipal election if the town
 15 nominates its candidates by convention; and

16 (2) the date that a declaration of candidacy may be withdrawn
 17 under IC 3-8-2-20 if the town nominates its candidates in a
 18 primary election.

19 (i) A declaration of candidacy must include a statement that the
 20 candidate requests the name on the candidate's voter registration record
 21 be the same as the name the candidate uses on the declaration of
 22 candidacy. If there is a difference between the name on the candidate's
 23 declaration of candidacy and the name on the candidate's voter
 24 registration record, the officer with whom the declaration of candidacy
 25 is filed shall forward the information to the voter registration officer of
 26 the appropriate county as required by IC 3-5-7-6(e). The voter
 27 registration officer of the appropriate county shall change the name on
 28 the candidate's voter registration record to be the same as the name on
 29 the candidate's declaration of candidacy.

30 SECTION 26. IC 3-8-5-14.5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) A town
 32 election board or circuit court clerk conducting a municipal election
 33 under IC 3-10-7 may not include the name of a candidate nominated by
 34 a town convention on the municipal election ballot if the person files
 35 a notice to withdraw with the ~~board or clerk~~. **The circuit court clerk**
 36 **shall notify the town election board of any candidate withdrawal**
 37 **filed under this subsection not later than the deadline for the clerk**
 38 **to file a copy of the certification of nomination under section 13(e)**
 39 **of this chapter.**

40 (b) The notice to withdraw must:

41 (1) be signed and acknowledged before an officer authorized to
 42 take acknowledgments of deeds;



- 1 (2) have the certificate of acknowledgment appended to the
- 2 notice; and
- 3 (3) be filed with the ~~board~~ or clerk no later than noon three (3)
- 4 days following the adjournment of the convention.

5 SECTION 27. IC 3-8-5-14.7 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. (a) All
 7 questions regarding the validity of:

- 8 (1) a declaration of candidacy;
- 9 (2) a petition of nomination; or
- 10 (3) a certificate of nomination of a candidate by a town
- 11 convention;

12 subject to this chapter shall be filed under IC 3-8-1-2, **with the county**
 13 **election board of the county where the declaration of candidacy**
 14 **was filed**, not later than noon seven (7) days after the final date for
 15 filing a certificate under section 13(d) of this chapter. The question
 16 shall be referred to and determined by the town election board (or by
 17 the appropriate county election board if a county election board is
 18 conducting the election for the town).

19 (b) The election board shall rule on the validity of any document
 20 described in subsection (a) not later than noon seven (7) days following
 21 the deadline for filing of the document required by subsection (a).

22 (c) A question regarding the validity of a declaration to be a write-in
 23 candidate for election to a town office must be filed under IC 3-8-1-2
 24 not later than the date and time specified by IC 3-8-2-14(c), and shall
 25 be determined by the election board not later than the date and time
 26 specified by IC 3-8-2-14(c).

27 SECTION 28. IC 3-8-5-15 IS REPEALED [EFFECTIVE JULY 1,
 28 2019]. ~~Sec. 15: A town clerk-treasurer shall preserve in the~~
 29 ~~clerk-treasurer's office:~~

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

35 SECTION 29. IC 3-8-6-10, AS AMENDED BY P.L.74-2017,
 36 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 10. (a) Except as provided in section 11 of
 38 this chapter, a petition of nomination must be submitted to the county
 39 voter registration office of each county in which the election district is
 40 located.

41 (b) The petition must be filed during the period beginning on the
 42 first date that a declaration of candidacy for a primary election may be



1 filed under IC 3-8-2-4 in the year in which the election will be held and
2 ending at noon June 30 before the election.

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

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

14 (e) Following certification of a petition under this section, the office
15 may, upon the request of a candidate named in the petition, return the
16 original petition to the candidate for filing with the appropriate official
17 in accordance with this subsection. The candidate must file the
18 certified petition with the appropriate official not later than noon July
19 15.

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

26 SECTION 30. IC 3-8-7-8, AS AMENDED BY P.L.128-2017,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 8. (a) This section applies to a state convention
29 conducted by a political party described by IC 3-8-4-1.

30 (b) The state chairman and state secretary of the political party
31 holding the state convention shall certify each candidate nominated at
32 the convention to the secretary of state not later than noon July 15
33 before the general election.

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

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

36 (A) the candidate wants the candidate's name to appear on the
37 ballot; and

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

40 (2) Each candidate's residence address.

41 (3) Whether each candidate nominated by the convention has
42 complied with IC 3-9-1-5 by filing a campaign finance statement



1 of organization.

2 (4) The following statements:

3 (A) A statement that the candidate has attached either of the
4 following to the certificate:

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

8 (ii) A receipt, ~~or~~ photocopy of a receipt, **or electronic mail**
9 **from the office of the inspector general or judicial**
10 **qualifications commission**, showing that a statement of
11 economic interests has been filed.

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

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

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

25 (D) A statement that the candidate:

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

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

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

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

34 (d) The election division shall prescribe the form of the certificate
35 of nomination for the offices. The election division shall provide that
36 the form of the certificate of nomination include the following
37 information:

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

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

41 (e) A certificate of nomination must include a statement that the
42 candidate requests the name on the candidate's voter registration record



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

10 (f) The certificate of nomination must be signed by the state
 11 chairman and state secretary of the political party holding the
 12 convention, and set forth the name and residence of the chairman and
 13 secretary. The chairman and secretary shall acknowledge the certificate
 14 before an individual authorized to administer oaths under IC 33-42-9.
 15 The signed acknowledgment must be included in the certificate of
 16 nomination executed under this section.

17 SECTION 31. IC 3-8-8-3, AS AMENDED BY P.L.66-2010,
 18 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 3. (a) An individual who challenges the
 20 qualification of a candidate for election to an office must be a
 21 registered voter of the election district the candidate seeks to represent.

22 (b) A challenge under this chapter must be filed with the election
 23 division not later than noon seventy-four (74) days before the date of
 24 the general election at which a candidate to the office is to be elected.

25 (c) The challenger must file a sworn statement, **signed before a**
 26 **person authorized to administer oaths**, with the election division:

- 27 (1) questioning the qualification of a candidate to seek the office;
 28 and
 29 (2) setting forth the facts known to the voter concerning this
 30 question.

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

35 SECTION 33. IC 3-8-9-4, AS AMENDED BY P.L.76-2014,
 36 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2019]: Sec. 4. (a) This section does not apply to a candidate
 38 for either of the following:

- 39 (1) Judge of a circuit, superior, **city, town**, probate, or small
 40 claims court.
 41 (2) Prosecuting attorney of a judicial circuit.

42 (b) A candidate for a local office or school board office shall file a



1 written statement of economic interests as provided in this chapter.

2 SECTION 34. IC 3-8-9-5, AS AMENDED BY P.L.74-2017,
3 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 5. An individual required to file a statement
5 under section 4 of this chapter shall file the statement as follows:

6 (1) With the individual's:

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

8 (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6 **for an**
9 **office described in IC 3-8-2-5 in a county with a separate**
10 **board of registration under IC 3-7-12** after certification by
11 ~~the county voter registration office;~~ **board of registration;**

12 **(C) petition of nomination under IC 3-8-2.5 or IC 3-8-6 for**
13 **an office described in IC 3-8-2-5 in a county that does not**
14 **have a separate board of registration under IC 3-7-12;**

15 **(D) petition of nomination under IC 3-8-6 for an office**
16 **described in IC 3-8-2-5 after certification by the county**
17 **voter registration office;**

18 ~~(E)~~ **(E)** certificate of nomination under IC 3-10-2-15 or
19 IC 3-10-6-12;

20 ~~(F)~~ **(F)** statement consenting to be a replacement candidate
21 under IC 3-8-6-17;

22 ~~(G)~~ **(G)** declaration of intent to be a write-in candidate under
23 IC 3-8-2-2.5; or

24 ~~(H)~~ **(H)** certificate of candidate selection under IC 3-13-1 or
25 IC 3-13-2.

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

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

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

41 SECTION 36. IC 3-10-1-19, AS AMENDED BY P.L.21-2016,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 19. (a) The ballot for a primary election shall be
 2 printed in substantially the form described in this section for all the
 3 offices for which candidates have qualified under IC 3-8.

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

6 "OFFICIAL PRIMARY BALLOT

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

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

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

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

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

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

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

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

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

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

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

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

37 (B) After the heading and the voting instructions described in
 38 subsection (c) (if the instructions are printed on the ballot) and
 39 before the offices described in subsection (g), in the form
 40 specified in IC 3-11-14-3.5.

41 (f) A public question shall be placed on the primary election ballot
 42 in the following form:

SB 560—LS 7331/DI 75



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



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



- 1 (3) The name of the voter's party. **After:**
 2 (A) the voter writes the voter's party on the poll list; or
 3 (B) the voter's party is entered into the electronic poll
 4 book;
 5 the voter may not change the choice of the voter's party.
- 6 (b) The poll clerks shall:
 7 (1) ask the voter to provide or update the voter's voter
 8 identification number;
 9 (2) tell the voter the number the voter may use as a voter
 10 identification number; and
 11 (3) explain to the voter that the voter is not required to provide a
 12 voter identification number at the polls.
- 13 (c) If the voter is unable to sign the voter's name, the voter must sign
 14 the poll list by mark, which must be witnessed by one (1) of the poll
 15 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the
 16 poll clerk's or assistant poll clerk's initials after or under the mark.
- 17 (d) The poll list (or each line on a poll list sheet provided to take a
 18 voter's current residence address) must include a box under the heading
 19 "Address Unchanged" so that the voter may check the box instead of
 20 writing the voter's current address on the poll list, or if an electronic
 21 poll book is used, the poll clerk may check the box after stating to the
 22 voter the address shown on the electronic poll book and receiving an
 23 oral affirmation from the voter that the voter's residence address shown
 24 on the poll list is the voter's current residence address instead of writing
 25 the voter's current residence address on the poll list or reentering the
 26 address in the electronic poll book.
- 27 (e) If the voter makes:
 28 (1) a written affirmation on the poll list (or if an electronic poll
 29 book is used, a written affirmation in the manner described in
 30 IC 3-7-39-7) that the voter resides at an address within the
 31 precinct but not at the address shown on the poll list for the
 32 precinct; or
 33 (2) an oral affirmation of a change of address under IC 3-7-39-7;
 34 the county election board shall direct the county voter registration
 35 office to transfer the individual's voter registration record to the address
 36 within the precinct indicated by the voter.
- 37 SECTION 38. IC 3-10-2-4, AS AMENDED BY P.L.74-2017,
 38 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 4. United States Senators shall be elected at a
 40 general election held in accordance with 2 U.S.C. 1 and as follows:
 41 (1) One (1) in ~~2018~~ **2022** and every six (6) years thereafter.
 42 (2) One (1) in ~~2022~~ **2024** and every six (6) years thereafter.



1 SECTION 39. IC 3-10-2-7, AS AMENDED BY P.L.216-2015,
 2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 7. The following public officials shall be elected
 4 in ~~2018~~ **2022** and every four (4) years thereafter:

- 5 (1) Secretary of state.
- 6 (2) Auditor of state.
- 7 (3) Treasurer of state.

8 SECTION 40. IC 3-10-2-12, AS AMENDED BY P.L.216-2015,
 9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 12. A prosecuting attorney shall be elected in each
 11 judicial circuit in ~~2018~~ **2022** and every four (4) years thereafter in
 12 accordance with Article 7, Section 16 of the Constitution of the State
 13 of Indiana.

14 SECTION 41. IC 3-10-2-13, AS AMENDED BY P.L.77-2014,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2019]: Sec. 13. The following public officials shall be elected
 17 at the general election before their terms of office expire and every four
 18 (4) years thereafter:

- 19 (1) Clerk of the circuit court.
- 20 (2) County auditor.
- 21 (3) County recorder.
- 22 (4) County treasurer.
- 23 (5) County sheriff.
- 24 (6) County coroner.
- 25 (7) County surveyor.
- 26 (8) County assessor.
- 27 (9) County commissioner. ~~This subdivision applies only to a~~
 28 ~~county that is not subject to IC 36-2-2.5.~~
- 29 ~~(10) Single county executive. This subdivision applies only to a~~
 30 ~~county that is subject to IC 36-2-2.5.~~
- 31 ~~(11)~~ **(10)** County council member.
- 32 ~~(12)~~ **(11)** Township trustee.
- 33 ~~(13)~~ **(12)** Township board member.
- 34 ~~(14)~~ **(13)** Township assessor (only in a township referred to in
 35 IC 36-6-5-1(d)).
- 36 ~~(15)~~ **(14)** Judge of a small claims court.
- 37 ~~(16)~~ **(15)** Constable of a small claims court.

38 SECTION 42. IC 3-10-6-2.5, AS AMENDED BY P.L.119-2012,
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 2.5. (a) This section does not apply to a town
 41 located wholly or partially within a county having a consolidated city
 42 unless the town has a population of more than one thousand (1,000) but



1 less than one thousand four hundred (1,400).
 2 (b) This section applies to a town that has not adopted an ordinance:
 3 (1) under IC 18-3-1-16(b) (before its repeal on September 1,
 4 1981); or
 5 (2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration
 6 on January 1, 1988).
 7 (c) Notwithstanding IC 3-10-6-6, a town may adopt an ordinance
 8 during the year preceding a municipal election conducted under section
 9 2 of this chapter prescribing the length of the term of office for town
 10 legislative body members elected in the municipal election.
 11 (d) The ordinance must provide that:
 12 (1) no more than fifty percent (50%) of the members will be
 13 elected for terms of three (3) years beginning at noon January 1
 14 following the municipal election under section 2 of this chapter;
 15 and
 16 (2) the remainder of the members will be elected for terms of four
 17 (4) years beginning at noon January 1 following the election.
 18 **(e) An ordinance described in this section or an ordinance**
 19 **repealing an ordinance described in this section is effective upon**
 20 **filing the ordinance with the circuit court clerk of the county in**
 21 **which the largest percentage of the town is located.**
 22 SECTION 43. IC 3-10-6-3, AS AMENDED BY P.L.74-2017,
 23 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 3. (a) Notwithstanding section 2 of this chapter,
 25 in a town that adopted an ordinance under IC 18-3-1-16(b) (before its
 26 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its
 27 expiration on January 1, 1988), or section 2.5 of this chapter each
 28 political party shall, at the primary election in:
 29 (1) May ~~2018~~ **2022** and every four (4) years thereafter; and
 30 (2) May 2019 and every four (4) years thereafter;
 31 nominate candidates for the election to be held under section 6(a) of
 32 this chapter, unless a primary election is not required under section 4
 33 of this chapter. The primary election shall be conducted under this
 34 chapter.
 35 (b) Notwithstanding section 2 of this chapter, in a town that adopted
 36 an ordinance under section 2.6 of this chapter each political party shall,
 37 at the primary election in:
 38 (1) May ~~2018~~ **2022** and every four (4) years thereafter; and
 39 (2) May 2020 and every four (4) years thereafter;
 40 nominate candidates for the election to be held under section 6(b) of
 41 this chapter, unless a primary election is not required under section 4
 42 of this chapter. The primary election shall be conducted under this



1 chapter.

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

9 SECTION 44. IC 3-10-6-6, AS AMENDED BY P.L.216-2015,
10 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2019]: Sec. 6. (a) Notwithstanding section 5 of this chapter,
12 a town that adopted an ordinance under IC 18-3-1-16(b) (before its
13 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its
14 expiration on January 1, 1988), or section 2.5 of this chapter shall:

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

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

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

23 (b) Notwithstanding section 5 of this chapter, a town that adopted
24 an ordinance under section 2.6 of this chapter shall:

25 (1) at the general election in November ~~2016~~ **2020** and every four
26 (4) years thereafter; and

27 (2) at the general election in November ~~2018~~ **2022** and every four
28 (4) years thereafter;

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

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

39 SECTION 45. IC 3-10-7-5.7 IS ADDED TO THE INDIANA CODE
40 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
41 1, 2019]: **Sec. 5.7. (a) A town located wholly or partially within a**
42 **county designated as a vote center county under IC 3-11-18.1 may**



1 **adopt a resolution to establish a town election board under this**
 2 **section.**

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

7 SECTION 46. IC 3-10-8-4, AS AMENDED BY P.L.216-2015,
 8 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 4. (a) Each circuit court clerk ~~or town~~
 10 ~~clerk-treasurer~~ **who is required to conduct a special election under**
 11 **state law or** receives a writ ordering a special election shall publish in
 12 accordance with IC 5-3-1:

13 (1) under the proper political party or independent candidate
 14 designation:

15 (A) the title of office; and

16 (B) the names and addresses of all candidates who have filed
 17 for election to the office, except for an individual with a
 18 restricted address under IC 36-1-8.5;

19 if an elected office will be on the ballot at the special election;

20 (2) the text of any public question to be submitted to the voters;

21 (3) the date of the election; and

22 (4) the hours during which the polls will be open.

23 (b) The county election board or town election board shall file a
 24 notice of a special election conducted under this chapter with the
 25 election division not later than noon seven (7) days after receiving the
 26 writ.

27 SECTION 47. IC 3-10-8-7.5, AS ADDED BY P.L.219-2013,
 28 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 7.5. (a) This section applies to a special election
 30 to fill one (1) or more vacancies in the office of United States
 31 Representative under 2 U.S.C. 8(b).

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

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

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

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

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



1 (e) A certificate of candidate selection under IC 3-13-2-8, a petition
 2 of nomination, or a declaration of intent to be a write-in candidate must
 3 be filed with the election division not later than noon thirty-five (35)
 4 days before the special election is to be conducted.

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

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

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

23 SECTION 48. IC 3-10-9-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter applies
 25 to voting on all local public questions **and to any public question**
 26 **under section 4(b) of this chapter.**

27 SECTION 49. IC 3-10-9-2.5 IS ADDED TO THE INDIANA CODE
 28 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2019]: **Sec. 2.5. If a petition is required to place a local public**
 30 **question on the ballot, the petition must comply with the**
 31 **requirements set forth in IC 3-8-6-6(b) concerning documentation**
 32 **of assistance to a voter with disabilities.**

33 SECTION 50. IC 3-10-9-4 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The public question
 35 shall be placed on the ballot in substantially the following form:

36 (The explanatory text for the public question, if required by law):
 37 "Shall (insert public question)?"

38 YES

39 NO

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



1 SECTION 51. IC 3-11-1.5-3.1 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2019]: **Sec. 3.1. (a) Except as provided in**
 4 **subsection (b), after June 30, 2019, a county may not establish a**
 5 **precinct under this chapter so that any precinct has less than six**
 6 **hundred (600) active voters.**

7 **(b) A county may establish a precinct having less than six**
 8 **hundred (600) active voters if either of the following apply:**

9 **(1) The precinct to be established would consist of an entire:**

10 **(A) county commissioner district;**

11 **(B) county council district;**

12 **(C) township;**

13 **(D) city;**

14 **(E) town;**

15 **(F) city common council district; or**

16 **(G) town council district.**

17 **(2) Establishing the precinct is required so that a boundary of**
 18 **a governmental entity or election district described in section**
 19 **4 of this chapter is not crossed.**

20 SECTION 52. IC 3-11-1.5-18, AS AMENDED BY P.L.164-2006,
 21 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]: **Sec. 18. (a) If the election division determines that the**
 23 **proposed precinct establishment order would comply with this chapter,**
 24 **the election division shall issue an order authorizing the county**
 25 **executive to establish the proposed precincts.**

26 **(b) The order issued by the election division under subsection (a)**
 27 **must state that the election division finds that the proposed precincts**
 28 **would comply with the standards set forth in this chapter. The election**
 29 **division shall promptly provide a copy of the order to the county**
 30 **executive.**

31 **(c) The county executive must give notice of the proposed order to**
 32 **the voters of the county by one (1) publication under IC 5-3-1-4. The**
 33 **notice must state the following:**

34 **(1) The name of each existing precinct whose boundaries would**
 35 **be changed by the adoption of the proposed order by the county.**

36 **(2) That any registered voter of the county may object to the**
 37 **proposed order by filing a sworn statement with the election**
 38 **division setting forth the voter's specific objections to the**
 39 **proposed order and requesting that a hearing be conducted by the**
 40 **commission under IC 4-21.5.**

41 **(3) The mailing address of the election division.**

42 **(4) The deadline for filing the objection with the election division**



1 under this section.

2 (d) **Except as provided in subsection (g)**, an objection to a
3 proposed precinct establishment order must be filed not later than noon
4 ten (10) days after the publication of the notice by the county
5 executive.

6 (e) If an objection is not filed with the election division by the date
7 and time specified under subsection (d), the election division shall
8 promptly notify the county executive. The county executive may
9 proceed immediately to adopt the proposed order.

10 (f) If an objection is filed with the election division by the date and
11 time specified under subsection (d), the election division shall
12 promptly notify the county executive. The county executive may not
13 adopt the proposed order until the commission conducts a hearing
14 under IC 4-21.5 and determines whether the proposed precincts would
15 comply with the standards set forth in this chapter.

16 (g) If the co-directors determine that the expiration of the ten (10)
17 day period described in subsection (d) will occur:

18 (1) after the next period specified under section 25 of this chapter
19 begins; or

20 (2) without sufficient time for a county or an objector to receive
21 notice of a hearing before the commission concerning an
22 objection before the next period specified under section 25 of this
23 chapter begins;

24 the co-directors may request a hearing before the commission under
25 section 21 of this chapter, ~~and~~ notify the county executive of the
26 request, **and publication under subsection (c) is not required.**

27 SECTION 53. IC 3-11-1.5-26 IS REPEALED [EFFECTIVE JULY
28 1, 2019]. ~~Sec. 26: The co-directors shall promptly notify the county
29 executive of:~~

30 ~~(1) the approval of a precinct establishment order by the
31 commission; and~~

32 ~~(2) the date the order becomes effective.~~

33 ~~The co-directors shall provide one (1) copy of the approved order to the
34 county executive.~~

35 SECTION 54. IC 3-11-1.5-27 IS REPEALED [EFFECTIVE JULY
36 1, 2019]. ~~Sec. 27: (a) Not later than fourteen (14) days following notice
37 of final approval of a precinct establishment order by the commission
38 under section 18(f) of this chapter, the county executive shall give
39 notice of the approval by one (1) publication under IC 5-3-1-4.~~

40 ~~(b) The county executive shall file one (1) copy of the notice
41 published under subsection (a) with the co-directors.~~

42 SECTION 55. IC 3-11-1.5-28 IS REPEALED [EFFECTIVE JULY



1 1, 2019]. Sec. 28: The notice published under section 27 of this chapter
2 must include the following:

3 (1) A list of the precincts established by the order and the polling
4 places designated for the precincts:

5 (2) The date the order was issued by the county executive:

6 (3) The date the order was approved by the commission:

7 (4) The effective date of the order:

8 (5) A statement that the maps, legal descriptions, and estimated
9 voter population of the established precincts are on file for public
10 inspection in:

11 (A) the office of the county auditor; or

12 (B) in a county with a consolidated city, in the office of the
13 board of registration:

14 SECTION 56. IC 3-11-1.5-29 IS REPEALED [EFFECTIVE JULY
15 1, 2019]. Sec. 29: The county executive shall file one (1) copy of the
16 order approved under this chapter with each of the following not later
17 than forty-five (45) days after the notice is published under section 27
18 of this chapter:

19 (1) The county voter registration office:

20 (2) The county auditor:

21 SECTION 57. IC 3-11-2-10, AS AMENDED BY P.L.245-2017,
22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2019]: Sec. 10. (a) Public questions shall be placed on the
24 general election ballot in the following order after the statement
25 described in section 7 of this chapter, and the instructions described in
26 subsections (d) and (e) and section 8 of this chapter, if instructions are
27 printed on the ballot:

28 (1) Ratification of a state constitutional amendment.

29 (2) Local public questions.

30 Subject to section 10.1 of this chapter, each public question shall be
31 placed in a separate column on the ballot.

32 (b) The name or title of the political party or independent ticket
33 described in section 6 of this chapter shall be placed on the general
34 election ballot after the public questions described in subsection (a).
35 The device of the political party or independent ticket shall be placed
36 immediately under the name of the political party or independent ticket.
37 The instructions for voting a straight party ticket shall be placed to the
38 right of the device, if instructions are printed on the ballot.

39 (c) The instructions for voting a straight party ticket must conform
40 as nearly as possible to the following:

41 "(1) To vote a straight (insert political party name) ticket for all
42 (insert political party name) candidates on this ballot, except for



- 1 candidates described in (2) below, make a voting mark on or in
 2 this circle and do not make any other marks on this ballot.
- 3 (2) To vote for any candidate for an at-large office (insert county
 4 council, city common council, town council, or township board if
 5 those offices appear on this ballot) **to which more than one**
 6 **person may be elected**, you must make another voting mark for
 7 each candidate you wish to vote for. Your straight party vote will
 8 not count as a vote for any candidate for that office.
- 9 (3) If you wish to vote for a candidate seeking a nonpartisan office
 10 or on a public question, you must make another voting mark on
 11 the appropriate place on this ballot."
- 12 (d) Except as permitted under section 8(b) of this chapter, if the
 13 ballot contains an independent ticket described in section 6 of this
 14 chapter and at least one (1) other independent candidate, the ballot
 15 must also contain a statement that reads substantially as follows: "A
 16 vote cast for an independent ticket will only be counted for the
 17 candidates for President and Vice President or governor and lieutenant
 18 governor comprising that independent ticket. This vote will NOT be
 19 counted for any OTHER independent candidate appearing on the
 20 ballot."
- 21 (e) Except as permitted under section 8(b) of this chapter, the ballot
 22 must also contain a statement that reads substantially as follows: "A
 23 write-in vote will NOT be counted unless the vote is for a DECLARED
 24 write-in candidate. To vote for a write-in candidate, you must make a
 25 voting mark on or in the square to the left of the name you have written
 26 in or your vote will not be counted."
- 27 (f) Subject to section 10.1 of this chapter, the list of candidates of
 28 the political party shall be placed immediately under the instructions
 29 for voting a straight party ticket. The names of the candidates shall be
 30 placed three-fourths (3/4) of an inch apart from center to center of the
 31 name. The name of each candidate must have, immediately on its left,
 32 a square three-eighths (3/8) of an inch on each side.
- 33 (g) The circuit court clerk may authorize the printing of ballots
 34 containing a ballot variation code to ensure that the proper version of
 35 a ballot is used within a precinct.
- 36 SECTION 58. IC 3-11-2-12, AS AMENDED BY P.L.219-2017,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: Sec. 12. The following offices shall be placed on the
 39 general election ballot in the following order after the public questions
 40 described in section 10(a) of this chapter:
- 41 (1) Federal and state offices:
- 42 (A) President and Vice President of the United States.



- 1 (B) United States Senator.
 2 (C) Governor and lieutenant governor.
 3 (D) Secretary of state.
 4 (E) Auditor of state.
 5 (F) Treasurer of state.
 6 (G) Attorney general.
 7 (H) Superintendent of public instruction. This clause does not
 8 apply after December 31, 2020.
 9 (I) United States Representative.
- 10 (2) Legislative offices:
 11 (A) State senator.
 12 (B) State representative.
- 13 (3) Circuit offices and county judicial offices:
 14 (A) Judge of the circuit court, and unless otherwise specified
 15 under IC 33, with each division separate if there is more than
 16 one (1) judge of the circuit court.
 17 (B) Judge of the superior court, and unless otherwise specified
 18 under IC 33, with each division separate if there is more than
 19 one (1) judge of the superior court.
 20 (C) Judge of the probate court.
 21 (D) Prosecuting attorney.
 22 (E) Clerk of the circuit court.
- 23 (4) County offices:
 24 (A) County auditor.
 25 (B) County recorder.
 26 (C) County treasurer.
 27 (D) County sheriff.
 28 (E) County coroner.
 29 (F) County surveyor.
 30 (G) County assessor.
 31 (H) County commissioner. ~~This clause applies only to a county~~
 32 ~~that is not subject to IC 36-2-2.5.~~
 33 ~~(H) Single county executive. This clause applies only to a~~
 34 ~~county that is subject to IC 36-2-2.5.~~
 35 ~~(H) (I) County council member, except as provided in section~~
 36 ~~12.4 of this chapter.~~
- 37 (5) Township offices:
 38 (A) Township assessor (only in a township referred to in
 39 IC 36-6-5-1(d)).
 40 (B) Township trustee.
 41 (C) Township board member, except as provided in section
 42 12.4 of this chapter.



- 1 (D) Judge of the small claims court.
 2 (E) Constable of the small claims court.
 3 (6) City offices:
 4 (A) Mayor.
 5 (B) Clerk or clerk-treasurer.
 6 (C) Judge of the city court.
 7 (D) City-county council member or common council member,
 8 except as provided in section 12.4 of this chapter.
 9 (7) Town offices:
 10 (A) Clerk-treasurer.
 11 (B) Judge of the town court.
 12 (C) Town council member, except as provided in section 12.4
 13 of this chapter.

14 SECTION 59. IC 3-11-2-16, AS AMENDED BY P.L.194-2013,
 15 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2019]: Sec. 16. (a) If an election board determines that a
 17 ballot printed under the authority of the election board does not comply
 18 with a requirement imposed by this title or contains any other error or
 19 omission that might result in confusion or mistakes by voters, the board
 20 shall:

- 21 (1) reprint or correct the ballot; or
 22 (2) conduct a public hearing concerning the defective ballots.
 23 (b) The board may conduct the hearing after informing each
 24 political party, ticket, or candidate that the board determines may have
 25 an interest in the matter.
 26 (c) At the hearing, the board shall hear any testimony offered by a
 27 person concerning the defective ballots and shall make findings of fact
 28 concerning the following:
 29 (1) The number of ballots, if any, containing the error or omission
 30 that have already been cast.
 31 (2) The cost of correcting the error through the use of reprinted
 32 ballots or any other suitable method.
 33 (3) Whether the error or omission would be likely to cause
 34 confusion or mistakes by voters.
 35 (4) Whether any voter objects to the use of the ballots,
 36 notwithstanding the error or omission.
 37 (d) If:
 38 (1) a voter does not file a written objection to the use of the
 39 ballots with the board before the board concludes the hearing; and
 40 (2) the board determines that the use of the ballots would not be
 41 likely to cause confusion or mistakes by voters;
 42 the board shall authorize the use of the defective ballots,



1 notwithstanding the error or omission.

2 (e) If:

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

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

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

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

15 SECTION 60. IC 3-11-3-29.3, AS AMENDED BY P.L.169-2015,
16 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2019]: Sec. 29.3. (a) This section applies to a candidate who
18 has filed with the secretary of state or election division as a candidate
19 for nomination in a primary election.

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

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

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

27 (c) The county election board shall not print the name of a deceased
28 candidate described in subsection (b) on a primary ballot. However, if
29 the county election board has already printed ballots containing the
30 name of the deceased candidate, the county may provide those ballots
31 to voters and shall not reprint the ballot to remove the name of the
32 deceased candidate.

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

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

39 SECTION 61. IC 3-11-3-29.4, AS AMENDED BY P.L.169-2015,
40 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2019]: Sec. 29.4. (a) This section applies to a candidate who
42 has filed with a circuit court clerk or board of elections and registration



- 1 as a candidate for:
- 2 (1) nomination in a primary election or municipal primary
- 3 election; or
- 4 (2) election to a political party office in a primary election.
- 5 (b) If the county election board determines by unanimous vote of the
- 6 entire membership that there is good cause to believe that a candidate
- 7 has died, the board shall not print the name of the candidate on the
- 8 primary ballot.
- 9 (c) However, if the county election board has already printed ballots
- 10 containing the name of the deceased candidate, the county may provide
- 11 those ballots to voters and shall not reprint the ballot to remove the
- 12 name of the deceased candidate.
- 13 (d) A voter who has cast a ballot containing the name of a deceased
- 14 candidate is entitled to request a replacement absentee ballot under
- 15 ~~IC 3-11-10-1.5~~. **IC 3-11.5-4-2.**
- 16 (e) If a deceased candidate receives the most votes in a primary
- 17 election, a candidate vacancy occurs that the candidate's party may fill
- 18 under IC 3-13.
- 19 SECTION 62. IC 3-11-3-29.5, AS AMENDED BY P.L.201-2017,
- 20 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2019]: Sec. 29.5. (a) This section applies to a general or
- 22 special election in which the name of a candidate appears on the ballot.
- 23 This section does not apply to an election for presidential electors.
- 24 (b) The election board shall print new ballots to remove the name
- 25 of a candidate who has died or is no longer a candidate under
- 26 IC 3-13-2-1 if:
- 27 (1) the candidate's party does not fill the vacancy under IC 3-13-1
- 28 or IC 3-13-2 not later than noon, five (5) days before the election;
- 29 and
- 30 (2) when a candidate has died, the election board:
- 31 (A) receives a certificate of death issued under IC 16-37-3 not
- 32 later than noon the seventh day before the election; or
- 33 (B) votes unanimously by the entire membership that there is
- 34 good cause to believe that the candidate has died.
- 35 (c) The election board shall provide the number of ballots necessary
- 36 to reflect a vacancy to the following:
- 37 (1) The absentee voter board.
- 38 (2) The inspector of each precinct in which the candidate is on the
- 39 ballot.
- 40 (3) The circuit court clerk.
- 41 (d) **If the election board reprints ballots under subsection (b),**
- 42 the election board may order the printing of new ballots that omit the



1 name of a candidate described in subsection (b). A ballot printed under
 2 this subsection must contain the statement "NO CANDIDATE" or
 3 "CANDIDATE DECEASED" or words to that effect at the appropriate
 4 position on the ballot.

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

10 SECTION 63. IC 3-11-4-3, AS AMENDED BY P.L.201-2017,
 11 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (c) and
 13 section 6 of this chapter, an application for an absentee ballot must be
 14 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2,
 15 the director of the board of elections and registration) not earlier than
 16 the date the registration period resumes under IC 3-7-13-10 nor later
 17 than the following:

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

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

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

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

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

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

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

33 (4) 11:59 p.m. on the eighth day before election day if the
 34 application is:

35 (A) a mailed application;

36 (B) transmitted by electronic mail;

37 (C) transmitted by fax; or

38 (D) hand delivered;

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

41 (b) An application for an absentee ballot received by the election
 42 division by the time and date specified by subsection (a)(2)(B), (a)(3),



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

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

15 SECTION 64. IC 3-11-4-17.7, AS AMENDED BY P.L.128-2015,
 16 SECTION 162, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 17.7. (a) This section applies
 18 when a voter:

19 (1) has been mailed the official ballot under this chapter; and

20 (2) notifies the county election board that the ballot has been
 21 destroyed, spoiled, lost, or not received by the voter after a
 22 reasonable time has elapsed for delivery of the ballot by mail.

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

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

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

40 ~~(d)~~ **(e)** After receiving the official replacement ballot, the voter shall
 41 destroy any spoiled ballot in the possession of the voter or any lost or
 42 delayed official ballot that comes into the possession of the voter.



1 SECTION 65. IC 3-11-4-22 IS REPEALED [EFFECTIVE JULY 1,
2 2019]. Sec. 22: Each circuit court clerk shall do both of the following:

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

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

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

9 (B) The number of absentee ballots marked before the clerk.

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

12 SECTION 66. IC 3-11-7-4, AS AMENDED BY P.L.201-2017,
13 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (b), a
15 ballot card voting system must permit a voter to vote:

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

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

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

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

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

30 (1) county council;

31 (2) city common council;

32 (3) town council; or

33 (4) township board;

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

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

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

42 (2) for or against a public question on which the voter may vote.



1 SECTION 67. IC 3-11-7.5-10, AS AMENDED BY P.L.201-2017,
 2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 10. (a) Except as provided in subsection (b), an
 4 electronic voting system must permit a voter to vote:

5 (1) except at a primary election, a straight party ticket for all the
 6 candidates of one (1) political party by touching the device of that
 7 party;

8 (2) for one (1) or more candidates of each political party or
 9 independent candidates, or for one (1) or more school board
 10 candidates nominated by petition;

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

13 (4) a straight party ticket and then split that ticket by casting
 14 individual votes for candidates of another political party or
 15 independent candidates.

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

19 (1) county council;

20 (2) city common council;

21 (3) town council; or

22 (4) township board;

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

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

28 (1) for as many candidates for an office as the voter may vote for,
 29 but no more;

30 (2) for or against a public question on which the voter may vote,
 31 but no other; and

32 (3) for all the candidates for presidential electors and alternate
 33 presidential electors of a political party or an independent ticket
 34 by making a single voting mark.

35 SECTION 68. IC 3-11-8-3.1, AS AMENDED BY P.L.225-2011,
 36 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2019]: Sec. 3.1. (a) A county **executive election board** shall
 38 designate the polls for each precinct not less than twenty-nine (29) days
 39 before election day.

40 (b) The designation of a polling place under this section remains in
 41 effect until:

42 (1) the location of the polling place is altered by an order of the



- 1 ~~county executive or~~ county election board under this chapter; or
 2 (2) a precinct establishment order issued under IC 3-11-1.5:
 3 (A) designates a new polling place location; or
 4 (B) combines the existing precinct with another precinct
 5 established by the order.

6 SECTION 69. IC 3-11-8-3.2, AS AMENDED BY P.L.225-2011,
 7 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2019]: Sec. 3.2. (a) A county ~~executive~~ **election board** shall
 9 give ten (10) days notice of the place of voting in each precinct by
 10 publication in the manner prescribed by IC 5-3-1-4. The notice must
 11 state whether the polls are located in an accessible facility.

12 (b) If it is necessary to change a place for voting after giving notice,
 13 notice of the change shall be given in the same manner. However,
 14 except as provided in subsection (c), a change may not be made within
 15 two (2) days before an election.

16 (c) If the county election board determines by a unanimous vote of
 17 the board's entire membership that the use of a polling place at an
 18 election would be dangerous or impossible, the county election board
 19 may order the relocation of the polling place during the final two (2)
 20 days before an election. The county election board shall give the best
 21 possible notice of this change to news media and the voters of the
 22 precinct. If an order is adopted under this subsection, the order expires
 23 after the election.

24 **(d) The county election board shall enter the location of each
 25 polling place into the computerized system and update the
 26 information as promptly as practical after any change of location
 27 is made under this section.**

28 SECTION 70. IC 3-11-8-4.3, AS AMENDED BY P.L.230-2005,
 29 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 4.3. (a) If the county election board adopts an
 31 order by the unanimous vote of the entire membership of the board, the
 32 county ~~executive~~ **election board** may locate the polls for the precinct
 33 at the polls for an adjoining precinct, using the precinct election board
 34 of the adjoining precinct.

35 (b) An order adopted under this section expires December 31 after
 36 the date the order was adopted.

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

42 SECTION 71. IC 3-11-8-6, AS AMENDED BY P.L.225-2011,



1 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 6. The county ~~executive~~ **election board** shall
3 locate the polls for each precinct in an accessible facility.

4 SECTION 72. IC 3-11-8-7, AS AMENDED BY P.L.74-2017,
5 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2019]: Sec. 7. In preparing the polls for an election, the county
7 ~~executive~~ **election board** shall:

- 8 (1) have placed within the room a railing separating the part of the
9 room to be occupied by the precinct election board from that part
10 of the room to be occupied by the ballot card voting systems,
11 electronic voting systems, and the three (3) or more booths or
12 compartments for marking paper ballots, whenever either or two
13 (2) of these voting systems are used;
14 (2) ensure that the portion of the room set apart for the precinct
15 election board includes a designated area before the voter
16 approaches the precinct election board at which each voter
17 appears for challenge; and
18 (3) provide a method or material for designating the boundaries
19 of the chute, such as a railing, rope, or wire on each side,
20 beginning a distance equal to the length of the chute (as defined
21 in IC 3-5-2-10) away from and leading to the door for entering the
22 room in which the election is held.

23 SECTION 73. IC 3-11-8-25.2, AS AMENDED BY P.L.128-2015,
24 SECTION 178, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2019]: Sec. 25.2. (a) The poll clerk or assistant
26 poll clerk shall examine the list provided under IC 3-7-29-1 to
27 determine if the county election board has indicated that the voter is
28 required to provide additional personal identification under 52 U.S.C.
29 21083 and IC 3-7-33-4.5 before voting in person. If the list ~~(or a~~
30 ~~certification concerning absentee voters under IC 3-11-10-12)~~ indicates
31 that the voter is required to present this identification before voting in
32 person, the poll clerk shall advise the voter that the voter must present,
33 in addition to the proof of identification required by section 25.1(a) of
34 this chapter, a piece of identification described in subsection (b) to the
35 poll clerk.

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

- 41 (1) A current and valid photo identification.
42 (2) A current utility bill, bank statement, government check,



1 paycheck, or government document that shows the name and
2 address of the voter.

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

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

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

15 SECTION 74. IC 3-11-10-1.5 IS REPEALED [EFFECTIVE JULY
16 1, 2019]. ~~Sec. 1-5: (a) This section applies to a voter:~~

17 ~~(1) voting by an absentee ballot that includes a candidate for
18 election to an office who:~~

19 ~~(A) ceases to be a candidate; and~~

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

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

23 ~~(b) If:~~

24 ~~(1) the original absentee ballot has not been delivered to the
25 appropriate precinct; and~~

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

28 ~~the absentee voter may recast the voter's ballot under this section. To
29 obtain another set of ballots the absentee voter must present a written
30 request for another set of ballots from the circuit court clerk:~~

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

33 ~~(1) Place the written request with the absentee voter's original
34 ballots;~~

35 ~~(2) Mark "canceled" on the original set of ballots;~~

36 ~~(3) Preserve the original ballots with the other defective ballots;~~

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

38 SECTION 75. IC 3-11-10-3 IS REPEALED [EFFECTIVE JULY 1,
39 2019]. ~~Sec. 3: A county election board must receive an absentee ballot
40 in time for the board to deliver the ballot to the precinct election board
41 of the voter's precinct before the closing of the polls on election day.~~

42 SECTION 76. IC 3-11-10-4, AS AMENDED BY P.L.198-2005,



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 4. (a) Upon receipt of an absentee ballot, a county
3 election board (or the absentee voter board in the office of the circuit
4 court clerk) shall immediately examine the signature of the absentee
5 voter to determine its genuineness.

6 (b) This subsection does not apply to an absentee ballot cast by a
7 voter permitted to transmit the voter's absentee ballots by fax or
8 electronic mail under IC 3-11-4-6. The board shall compare the
9 signature as it appears upon the envelope containing the absentee ballot
10 with the signature of the voter as it appears upon the application for the
11 absentee ballot. The board may also compare the signature on the ballot
12 envelope with any other admittedly genuine signature of the voter.

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

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

24 SECTION 77. IC 3-11-10-5 IS REPEALED [EFFECTIVE JULY 1,
25 2019]. Sec. 5: If a county election board unanimously finds that the
26 signature on a ballot envelope or transmitted affidavit is not genuine,
27 the board shall write upon the ballot envelope or transmitted affidavit
28 the words "The county election board has questioned the genuineness
29 of the signature of this voter.". These ballots shall be delivered to the
30 polls on election day under section 12 of this chapter with instructions
31 to verify the voter's signature under section 15 of this chapter.

32 SECTION 78. IC 3-11-10-6 IS REPEALED [EFFECTIVE JULY 1,
33 2019]. Sec. 6: If a county election board is unable to unanimously
34 determine whether the signature on a ballot envelope is genuine, the
35 board shall write upon the ballot envelope or transmitted affidavit the
36 words "Signature Disputed". The board then shall deliver all disputed
37 ballot envelopes, together with any evidence of a documentary nature
38 presented before the board, to the proper precinct at the same time that
39 undisputed ballots are delivered.

40 SECTION 79. IC 3-11-10-7 IS REPEALED [EFFECTIVE JULY 1,
41 2019]. Sec. 7: After receipt of disputed ballots under section 6 of this
42 chapter, a precinct election board shall determine whether each



1 disputed ballot will be voted or rejected.

2 SECTION 80. IC 3-11-10-8 IS REPEALED [EFFECTIVE JULY 1,
3 2019]. Sec. 8: (a) If a county election board (or the absentee voter
4 board in the office of the circuit court clerk) unanimously finds that the
5 signature on a ballot envelope or transmitted affidavit is genuine, the
6 board shall enclose immediately the accepted and unopened ballot
7 envelope together with the voter's application for the absentee ballot in
8 a carrier envelope. The board may enclose in the same carrier envelope
9 all absentee ballot envelopes and voter applications to be transmitted
10 to the same precinct.

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

15 SECTION 81. IC 3-11-10-9 IS REPEALED [EFFECTIVE JULY 1,
16 2019]. Sec. 9: Each circuit court clerk shall keep all accepted ballot
17 envelopes securely in the clerk's office until they are delivered to the
18 proper precincts in accordance with section 12 of this chapter.

19 SECTION 82. IC 3-11-10-11, AS AMENDED BY P.L.221-2005,
20 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2019]: Sec. 11. (a) On election day each circuit court clerk (or
22 an agent of the clerk) shall visit the appropriate post office to accept
23 delivery of absentee envelopes at the latest possible time that will
24 permit delivery of the ballots to the appropriate precinct election boards
25 before 6 p.m.

26 (b) Not later than noon on election day, the county voter registration
27 office shall visit the appropriate post office to accept delivery of mail
28 containing documentation submitted by a voter to comply with
29 IC 3-7-33-4.5. The office shall immediately notify the county election
30 board regarding the filing of this documentation. to permit the board to
31 provide certification of this filing to the appropriate precinct election
32 boards before 6 p.m.

33 SECTION 83. IC 3-11-10-12 IS REPEALED [EFFECTIVE JULY
34 1, 2019]. Sec. 12: (a) Except as provided in section 12.5 of this chapter,
35 each county election board shall have all absentee ballots delivered to
36 the precinct election boards at their respective polls on election day.

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

40 (c) Along with the absentee ballots delivered to the precinct election
41 boards under subsection (a), each county election board shall provide
42 a list certified by the circuit court clerk. This list must state the name



1 of each voter subject to IC 3-7-33-4.5 who:

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

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

7 (d) If the county election board is notified not later than 3 p.m. on
8 election day by the county voter registration office that a voter subject
9 to IC 3-7-33-4.5 and not identified in the list certified under subsection
10 (c) has filed documentation with the office that complies with
11 IC 3-7-33-4.5, the county election board shall transmit a supplemental
12 certified list to the appropriate precinct election board. If the board
13 determines that the supplemental list may not be received before the
14 closing of the polls, the board shall:

15 (1) attempt to contact the precinct election board to inform the
16 board regarding the content of the supplemental list; and

17 (2) file a copy of the supplemental list for that precinct as part of
18 the permanent records of the board.

19 SECTION 84. IC 3-11-10-12.5 IS REPEALED [EFFECTIVE JULY
20 1, 2019]. Sec. 12.5: (a) This section applies to absentee ballots cast:

21 (1) under section 26 or 26.3 of this chapter; and

22 (2) on a direct record electronic voting system.

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



1 absentee ballots of individuals voting in person at the polls; to assure
 2 that the ballots cast on the direct record electronic voting system may
 3 be counted:

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

5 (1) may count all absentee ballots described in subsection (a) at
 6 a central location; and

7 (2) shall adjust the vote totals for each precinct based on the count
 8 of absentee ballots under subdivision (1):

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

12 SECTION 85. IC 3-11-10-13 IS REPEALED [EFFECTIVE JULY
 13 1, 2019]. Sec. 13: The appointed members of the county election board
 14 or members of the absentee voter boards established under section 36
 15 of this chapter shall deliver the absentee ballots under section 12 of this
 16 chapter. The delivery of the absentee ballots must be at all times under
 17 the combined control of members of both political parties represented
 18 on the county election board. Upon delivery of absentee ballots to a
 19 precinct election board; the inspector shall sign a receipt for the ballots:

20 SECTION 86. IC 3-11-10-14 IS REPEALED [EFFECTIVE JULY
 21 1, 2019]. Sec. 14: Subject to IC 3-10-8-7.5; IC 3-12-1-17; and section
 22 11 of this chapter; absentee ballots received by mail (or by fax or
 23 electronic mail under IC 3-11-4-6) after the county election board has
 24 started the final delivery of the ballots to the precincts on election day
 25 are considered as arriving too late and need not be delivered to the
 26 polls:

27 SECTION 87. IC 3-11-10-15 IS REPEALED [EFFECTIVE JULY
 28 1, 2019]. Sec. 15: At any time between the opening and closing of the
 29 polls on election day; the inspector; in the presence of the precinct
 30 election board; shall do all of the following:

31 (1) Open the outer or carrier envelope containing an absentee
 32 ballot envelope and application:

33 (2) Announce the absentee voter's name:

34 (3) Compare the signature upon the application with the signature
 35 upon the affidavit on the ballot envelope or transmitted affidavit
 36 attached to the ballot envelope:

37 SECTION 88. IC 3-11-10-16 IS REPEALED [EFFECTIVE JULY
 38 1, 2019]. Sec. 16: (a) If the inspector finds under section 15 of this
 39 chapter that:

40 (1) the affidavit is properly executed;

41 (2) the signatures correspond;

42 (3) the absentee voter is a qualified voter of the precinct;



1 (4) the absentee voter is registered and is not required to file
 2 additional information with the county voter registration office
 3 under IC 3-7-33-4.5;

4 (5) the absentee voter has not voted in person at the election; and

5 (6) in case of a primary election, if the absentee voter has not
 6 previously voted; the absentee voter has executed the proper
 7 declaration relative to age and qualifications and the political
 8 party with which the absentee voter intends to affiliate;

9 then the inspector shall open the envelope containing the absentee
 10 ballots so as not to deface or destroy the affidavit and take out each
 11 ballot enclosed without unfolding or permitting a ballot to be unfolded
 12 or examined:

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

19 SECTION 89. IC 3-11-10-16.5 IS REPEALED [EFFECTIVE JULY
 20 1, 2019]. Sec. 16.5: If the inspector finds under section 16(a) of this
 21 chapter that the voter has not filed the additional information required
 22 to be filed with the county voter registration office under IC 3-7-33-4.5,
 23 but that all of the other findings listed under section 16(a) of this
 24 chapter apply, the inspector shall direct that the absentee ballot be
 25 processed as a provisional ballot under IC 3-11-7:

26 SECTION 90. IC 3-11-10-17 IS REPEALED [EFFECTIVE JULY
 27 1, 2019]. Sec. 17: (a) If the inspector finds under section 15 of this
 28 chapter that any of the following applies, a ballot may not be accepted
 29 or counted:

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

32 (A) the two (2) members of the absentee voter board in the
 33 office of the circuit court clerk under IC 3-11-4-19 or section
 34 27 of this chapter;

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

37 (C) the two (2) appointed members of the county election
 38 board or their designated representatives under IC 3-11-4-19:

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

42 (3) The absentee voter is not a qualified voter in the precinct:



1 (4) The absentee voter has not registered.

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

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

10 (7) In the case of a primary election, if the absentee voter has not
11 previously voted, the voter failed to execute the proper
12 declaration relative to age and qualifications and the political
13 party with which the voter intends to affiliate.

14 (8) The ballot has been challenged and there is no absentee ballot
15 application from the voter to support the absentee ballot.

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

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

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

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

24 (B) on the absentee ballot application.

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

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

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

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

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

33 SECTION 91. IC 3-11-10-18 IS REPEALED [EFFECTIVE JULY
34 1, 2019]. Sec. 18. Each ballot not accepted or counted for any of the
35 reasons prescribed by section 17 of this chapter shall, without being
36 unfolded to disclose how it is marked, be endorsed with the words:
37 "Rejected (giving the reason or reasons therefor)". All rejected
38 absentee ballots shall be enclosed and securely sealed in an envelope
39 on which the inspector shall write the words: "Defective absentee
40 ballots". The inspector shall also identify the precinct and the date of
41 the election on the envelope containing the rejected ballots. The
42 defective absentee ballots shall be returned to the same officer and in



1 the same manner as prescribed by this title for the return and
 2 preservation of official ballots cast and uncast at the election.

3 SECTION 92. IC 3-11-10-20 IS REPEALED [EFFECTIVE JULY
 4 1, 2019]. Sec. 20: Before depositing an absentee ballot in a ballot box,
 5 the inspector shall:

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

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

11 SECTION 93. IC 3-11-10-21 IS REPEALED [EFFECTIVE JULY
 12 1, 2019]. Sec. 21: The vote of an absentee voter may be challenged at
 13 the polls for the reason that the absentee voter is not a legal voter of the
 14 precinct where the ballot is being cast. The challenge under this section
 15 regarding the absentee ballot must be determined by the county
 16 election board using the procedures for counting a provisional ballot
 17 under IC 3-11-7.

18 SECTION 94. IC 3-11-10-22 IS REPEALED [EFFECTIVE JULY
 19 1, 2019]. Sec. 22: (a) If an absentee ballot is challenged under section
 20 21 of this chapter, the absentee voter's application for an absentee
 21 ballot shall be considered as the affidavit required to be made by a
 22 voter when challenged at the polls while voting in person.

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

26 (c) An absentee voter is not required to provide proof of
 27 identification.

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

33 SECTION 95. IC 3-11-10-23 IS REPEALED [EFFECTIVE JULY
 34 1, 2019]. Sec. 23: If proof is given to a precinct election board that an
 35 absentee voter marked and forwarded an absentee ballot but died
 36 before election day, then the inspector shall return the ballot of the
 37 deceased voter with the other defective ballots to the officer issuing the
 38 ballots. However, the casting of an absentee ballot by a deceased voter
 39 does not invalidate an election.

40 SECTION 96. IC 3-11-10-24, AS AMENDED BY P.L.169-2015,
 41 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) Except as provided in



1 subsection (b), a voter who satisfies any of the following is entitled to
2 vote by mail:

3 (1) The voter has a specific, reasonable expectation of being
4 absent from the county on election day during the entire twelve
5 (12) hours that the polls are open.

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

8 (A) a precinct election officer under IC 3-6-6;

9 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

10 (C) a challenger or pollbook holder under IC 3-6-7; or

11 (D) a person employed by an election board to administer the
12 election for which the absentee ballot is requested.

13 (3) The voter will be confined on election day to the voter's
14 residence, to a health care facility, or to a hospital because of an
15 illness or injury during the entire twelve (12) hours that the polls
16 are open.

17 (4) The voter is a voter with disabilities.

18 (5) The voter is an elderly voter.

19 (6) The voter is prevented from voting due to the voter's care of
20 an individual confined to a private residence because of illness or
21 injury during the entire twelve (12) hours that the polls are open.

22 (7) The voter is scheduled to work at the person's regular place of
23 employment during the entire twelve (12) hours that the polls are
24 open.

25 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

26 (9) The voter is prevented from voting due to observance of a
27 religious discipline or religious holiday during the entire twelve
28 (12) hours that the polls are open.

29 (10) The voter is an address confidentiality program participant
30 (as defined in IC 5-26.5-1-6).

31 (11) The voter is a member of the military or public safety officer.

32 (12) The voter is a serious sex offender (as defined in
33 IC 35-42-4-14(a)).

34 (13) The voter is prevented from voting due to the unavailability
35 of transportation to the polls.

36 (b) A voter with disabilities who:

37 (1) is unable to make a voting mark on the ballot or sign the
38 absentee ballot secrecy envelope; and

39 (2) requests that the absentee ballot be delivered to an address
40 within Indiana;

41 must vote before an absentee voter board under section 25(b) of this
42 chapter.



1 (c) If a voter receives an absentee ballot by mail, the voter shall
 2 personally mark the ballot in secret and seal the marked ballot inside
 3 the envelope provided by the county election board for that purpose.

4 The voter shall:

5 (1) deposit the sealed envelope in the United States mail for
 6 delivery to the county election board; or

7 (2) authorize a member of the voter's household or the individual
 8 designated as the voter's attorney in fact to:

9 (A) deposit the sealed envelope in the United States mail; or

10 (B) deliver the sealed envelope in person to the county
 11 election board.

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

17 (1) The name and residence address of the voter whose absentee
 18 ballot is being delivered.

19 (2) A statement of the full name, residence and mailing address,
 20 and daytime and evening telephone numbers (if any) of the
 21 individual delivering the absentee ballot.

22 (3) A statement indicating whether the individual delivering the
 23 absentee ballot is a member of the voter's household or is the
 24 attorney in fact for the voter. If the individual is the attorney in
 25 fact for the voter, the individual must attach a copy of the power
 26 of attorney for the voter, unless a copy of this document has
 27 already been filed with the county election board.

28 (4) The date and location at which the absentee ballot was
 29 delivered by the voter to the individual delivering the ballot to the
 30 county election board.

31 (5) A statement that the individual delivering the absentee ballot
 32 has complied with Indiana laws governing absentee ballots.

33 (6) A statement that the individual delivering the absentee ballot
 34 is executing the affidavit under the penalties of perjury.

35 (7) A statement setting forth the penalties for perjury.

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

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

41 SECTION 97. IC 3-11-10-26, AS AMENDED BY P.L.71-2017,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 26. (a) This subsection applies to all counties,
 2 except for a county to which IC 3-6-5.2 applies. As an alternative to
 3 voting by mail, a voter is entitled to cast an absentee ballot before an
 4 absentee voter board at any of the following:

5 (1) One (1) location of the office of the circuit court clerk
 6 designated by the circuit court clerk.

7 (2) A satellite office established under section 26.3 of this
 8 chapter.

9 (b) This subsection applies to a county to which IC 3-6-5.2 applies.
 10 As an alternative to voting by mail, a voter is entitled to cast an
 11 absentee ballot before an absentee voter board at any of the following:

12 (1) The office of the board of elections and registration.

13 (2) A satellite office established under section 26.3 of this
 14 chapter.

15 (c) Except for a location designated under subsection (a)(1), a
 16 location of the office of the circuit court clerk must be established as
 17 a satellite office under section 26.3 of this chapter in order to be used
 18 as a location at which a voter is entitled to cast an absentee ballot
 19 before an absentee voter board under this section.

20 (d) The voter must do the following before being permitted to vote:

21 (1) This subdivision does not apply to a county that uses
 22 electronic poll books for voting under this section. Sign an
 23 application on the form prescribed by the election division under
 24 IC 3-11-4-5.1. The application must be received by the circuit
 25 court clerk not later than the time prescribed by IC 3-11-4-3.

26 (2) This subdivision applies only to a county that uses electronic
 27 poll books for voting under this section and in which the ballot is
 28 cast on an electronic voting system. The voter must do the
 29 following:

30 (A) If the county election board has prescribed an affidavit
 31 under subsection (e) that includes a unique identifier to
 32 comply with section 26.2(c)(3) of this chapter, make and
 33 subscribe to the affidavit.

34 (B) Sign the electronic poll book.

35 (C) Provide proof of identification.

36 (3) This subdivision applies only to a county that uses electronic
 37 poll books for voting under this section and in which the ballot is
 38 cast on an optical scan voting system. The voter must do the
 39 following:

40 (A) Sign the electronic poll book.

41 (B) Provide proof of identification.

42 (C) Sign the affidavit prescribed by section 29 of this chapter.



- 1 (e) The county election board may:
2 (1) prescribe an affidavit that includes a unique identifier; or
3 (2) establish a procedure to produce a document, label, or
4 electronic record that is associated with each voter and includes
5 a unique identifier;
6 to comply with section 26.2(c)(3) of this chapter. After the county
7 election board approves an affidavit or procedure described in this
8 subsection and before the affidavit or procedure is used in an election,
9 the county election board shall file a copy of the affidavit or a brief
10 description of the procedure with the election division to assist the state
11 recount commission in conducting proceedings under IC 3-12-11.
- 12 (f) The voter may vote before the board not more than twenty-eight
13 (28) days nor later than noon on the day before election day. If the
14 close of a voter registration period is transferred under IC 3-5-4-1.5
15 from twenty-nine (29) days to a later date due to the Columbus Day
16 holiday, the voter may vote before the board on the first day following
17 the day on which the voter registration period closes.
- 18 (g) An absent uniformed services voter who is eligible to vote by
19 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
20 may vote before the board not earlier than twenty-eight (28) days
21 before the election and not later than noon on election day. If the close
22 of a voter registration period is transferred under IC 3-5-4-1.5 from
23 twenty-nine (29) days to a later date due to the Columbus Day holiday,
24 the voter may vote before the board on the first day following the day
25 on which the voter registration period closes. If a voter described by
26 this subsection wishes to cast an absentee ballot during the period
27 beginning at noon on the day before election day and ending at noon on
28 election day, the county election board or absentee voter board may
29 receive and process the ballot at a location designated by resolution of
30 the county election board.
- 31 (h) The absentee voter board in the office of the circuit court clerk
32 must permit voters to cast absentee ballots under this section for at
33 least seven (7) hours on each of the two (2) Saturdays preceding
34 election day.
- 35 (i) Notwithstanding subsection (h), in a county with a population of
36 less than twenty thousand (20,000), the absentee voter board in the
37 office of the circuit court clerk, with the approval of the county election
38 board, may reduce the number of hours available to cast absentee
39 ballots under this section to a minimum of four (4) hours on each of the
40 two (2) Saturdays preceding election day.
- 41 (j) As provided by 52 U.S.C. 21081, a voter casting an absentee
42 ballot under this section must be:



- 1 (1) permitted to verify in a private and independent manner the
 2 votes selected by the voter before the ballot is cast and counted;
 3 (2) provided with the opportunity to change the ballot or correct
 4 any error in a private and independent manner before the ballot is
 5 cast and counted, including the opportunity to receive a
 6 replacement ballot if the voter is otherwise unable to change or
 7 correct the ballot; and
 8 (3) notified before the ballot is cast regarding the effect of casting
 9 multiple votes for the office and provided an opportunity to
 10 correct the ballot before the ballot is cast and counted.

11 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is
 12 provided under this section, the board must also provide the voter with:

- 13 (1) information concerning the effect of casting multiple votes for
 14 an office; and
 15 (2) instructions on how to correct the ballot before the ballot is
 16 cast and counted, including the issuance of replacement ballots.
 17 (l) If:
 18 (1) the voter is unable or declines to present the proof of
 19 identification; or
 20 (2) a member of the board determines that the proof of
 21 identification provided by the voter does not qualify as proof of
 22 identification under IC 3-5-2-40.5;

23 the voter shall be permitted to cast an absentee ballot and the voter's
 24 absentee ballot shall be treated as a provisional ballot.

25 (m) A voter casting an absentee ballot under this section is entitled
 26 to cast the voter's ballot in accordance with IC 3-11-9.

27 **(n) In a primary election, a voter casting an absentee ballot**
 28 **under this chapter may not change the voter's choice of the voter's**
 29 **political party after the voter has been mailed or otherwise**
 30 **provided with a primary ballot containing the candidates of that**
 31 **party.**

32 SECTION 98. IC 3-11-10-34 IS REPEALED [EFFECTIVE JULY
 33 1, 2019]. ~~Sec. 34. If an envelope containing an absentee ballot has been~~
 34 ~~marked "Rejected as defective" and the voter appears in person at the~~
 35 ~~precinct before the polls close, the voter may vote as any other voter~~
 36 ~~voting in person.~~

37 SECTION 99. IC 3-11-10-35 IS REPEALED [EFFECTIVE JULY
 38 1, 2019]. ~~Sec. 35: (a) This section does not apply to an absentee ballot~~
 39 ~~required to be treated as a provisional ballot under IC 3-11-7.~~

40 ~~(b) If an envelope containing an absentee ballot has not been opened~~
 41 ~~before the close of the polls, then the envelope may not be opened~~
 42 ~~without an order of a court or the state recount commission.~~



1 SECTION 100. IC 3-11-10-37 IS REPEALED [EFFECTIVE JULY
2 1, 2019]. Sec. 37. (a) Not later than noon fifty (50) days before election
3 day; each county election board shall notify the county chairmen of the
4 two (2) political parties that have appointed members on the county
5 election board of the number of absentee voter boards to be appointed
6 under section 36 of this chapter.

7 (b) The county chairmen shall make written recommendations for
8 the appointments to the county election board not later than noon
9 forty-six (46) days before election day. The county election board shall
10 make the appointments as recommended. If a county chairman fails to
11 make any recommendations; then the county election board may
12 appoint any voters of the county who comply with section 36 of this
13 chapter.

14 SECTION 101. IC 3-11-10-38 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 38. The voters
16 appointed to the absentee voter boards under section 36 of this chapter
17 shall be compensated in the following manner:

18 (1) The boards that are sent to voters under section 25 of this
19 chapter are entitled to a per diem set by the county executive and
20 a sum for mileage at a rate determined by the county fiscal body.

21 (2) The boards that are assigned to the circuit court clerk's office
22 during the period from thirty (30) days before election day
23 through the day before election day are entitled to a per diem set
24 by the county executive: **or a satellite facility under**
25 **IC 3-11-10-26 or IC 3-11-10-26.3.**

26 (3) The boards that are assigned to deliver the absentee ballots to
27 the precincts on election day are entitled to a per diem and a sum
28 for mileage at a rate determined by the county fiscal body.

29 SECTION 102. IC 3-11-11-3 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. At the opening of the
31 polls, after the organization of and in the presence of the precinct
32 election board, the inspector shall:

33 (1) open the packages of ballots in a manner that preserves the
34 seals intact;

35 (2) deliver twenty-five (25) of each of the ~~state and local~~ ballots
36 to the poll clerk of the opposite political party; and

37 (3) deliver to the other poll clerk a pen for marking the ballots.

38 SECTION 103. IC 3-11-13-11, AS AMENDED BY P.L.21-2016,
39 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2019]: Sec. 11. (a) The ballot information, whether placed on
41 the ballot card or on the marking device, must be in the order of
42 arrangement provided for ballots under this section.



1 (b) Each county election board shall have the names of all
 2 candidates for all elected offices, political party offices, and public
 3 questions printed on a ballot card as provided in this chapter. The
 4 county may:

- 5 (1) print all offices and questions on a single ballot card; and
 6 (2) include a ballot variation code to ensure that the proper
 7 version of a ballot is used within a precinct.

8 (c) Each type of ballot card must be of uniform size and of the same
 9 quality and color of paper (except as permitted under IC 3-10-1-17).

10 (d) The nominees of a political party or an independent candidate
 11 or independent ticket (described in IC 3-11-2-6) nominated by
 12 petitioners shall be listed on the ballot with the name and device set
 13 forth on the certification or petition. The circle containing the device
 14 may be of any size that permits a voter to readily identify the device.
 15 IC 3-11-2-5 applies if the certification or petition does not include a
 16 name or device, or if the same device is selected by two (2) or more
 17 parties or petitioners.

18 (e) The offices and public questions on the general election ballot
 19 must be placed on the ballot in the order listed in IC 3-11-2-12,
 20 IC 3-11-2-12.2, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b),
 21 IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c),
 22 IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions
 23 may be listed in a continuous column either vertically or horizontally
 24 and on a number of separate pages.

25 (f) The name of each office must be printed in a uniform size in bold
 26 type. A statement reading substantially as follows must be placed
 27 immediately below the name of the office and above the name of the
 28 first candidate:

- 29 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 30 elected to the office.
 31 (2) "Vote for not more than (insert the number of candidates to be
 32 elected) candidate(s) for this office. To vote for any candidate for
 33 this office, you must make a voting mark for each candidate you
 34 wish to vote for. A straight party vote will not count as a vote for
 35 any candidate for this office.", if more than one (1) candidate is to
 36 be elected to the office.

37 (g) Below the name of the office and the statement required by
 38 subsection (f), the names of the candidates for each office must be
 39 grouped together in the following order:

- 40 (1) The major political party whose candidate received the highest
 41 number of votes in the county for secretary of state at the last
 42 election is listed first.



- 1 (2) The major political party whose candidate received the second
 2 highest number of votes in the county for secretary of state is
 3 listed second.
- 4 (3) All other political parties listed in the order that the parties'
 5 candidates for secretary of state finished in the last election are
 6 listed after the party listed in subdivision (2).
- 7 (4) If a political party did not have a candidate for secretary of
 8 state in the last election or a nominee is an independent candidate
 9 or independent ticket (described in IC 3-11-2-6), the party or
 10 candidate is listed after the parties described in subdivisions (1),
 11 (2), and (3).
- 12 (5) If more than one (1) political party or independent candidate
 13 or ticket described in subdivision (4) qualifies to be on the ballot,
 14 the parties, candidates, or tickets are listed in the order in which
 15 the party filed its petition of nomination under IC 3-8-6-12.
- 16 (6) A space for write-in voting is placed after the candidates listed
 17 in subdivisions (1) through (5), if required by law.
- 18 (7) The name of a write-in candidate may not be listed on the
 19 ballot.
- 20 (h) The names of the candidates grouped in the order established by
 21 subsection (g) must be printed in type with uniform capital letters and
 22 have a uniform space between each name. The name of the candidate's
 23 political party, or the word "Independent" if the:
 24 (1) candidate; or
 25 (2) ticket of candidates for:
 26 (A) President and Vice President of the United States; or
 27 (B) governor and lieutenant governor;
 28 is independent, must be placed immediately below or beside the name
 29 of the candidate and must be printed in a uniform size and type.
- 30 (i) All the candidates of the same political party for election to
 31 at-large seats on the fiscal or legislative body of a political subdivision
 32 must be grouped together:
 33 (1) under the name of the office that the candidates are seeking;
 34 (2) in the order established by subsection (g); and
 35 (3) within the political party, in alphabetical order according to
 36 surname.
- 37 A statement reading substantially as follows must be placed
 38 immediately below the name of the office and above the name of the
 39 first candidate: "Vote for not more than (insert the number of
 40 candidates to be elected) candidate(s) of ANY party for this office."
- 41 (j) Candidates for election to at-large seats on the governing body
 42 of a school corporation must be grouped:



- 1 (1) under the name of the office that the candidates are seeking;
 2 and
 3 (2) in alphabetical order according to surname.
- 4 A statement reading substantially as follows must be placed
 5 immediately below the name of the office and above the name of the
 6 first candidate: "Vote for not more than (insert the number of
 7 candidates to be elected) candidate(s) for this office."
- 8 (k) The following information must be placed at the top of the ballot
 9 before the first public question is listed:
- 10 (1) The cautionary statement described in IC 3-11-2-7.
 11 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
 12 and IC 3-11-2-10(e).
- 13 (l) The ballot must include a single connectable arrow, circle, oval,
 14 or square, or a voting position for voting a straight party or an
 15 independent ticket (described in IC 3-11-2-6) by one (1) mark as
 16 required by section 14 of this chapter, and the single connectable
 17 arrow, circle, oval, or square, or the voting position for casting a
 18 straight party or an independent ticket ballot must be identified by:
- 19 (1) the name of the political party or independent ticket
 20 (described in IC 3-11-2-6); and
 21 (2) immediately below or beside the political party's or
 22 independent ticket's name, the device of that party or ticket
 23 (described in IC 3-11-2-5).
- 24 The name and device of each political party or independent ticket must
 25 be of uniform size and type and arranged in the order established by
 26 subsection (g) for listing candidates under each office. The instructions
 27 described in IC 3-11-2-10(c) for voting a straight party ticket and the
 28 statement concerning presidential electors required under IC 3-10-4-3
 29 may be placed on the ballot ~~beside or above the names and devices~~
 30 **label or in a location** within the voting booth in a location that permits
 31 the voter to easily read the instructions.
- 32 (m) A public question must be in the form described in
 33 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable
 34 arrow, a circle, or an oval may be used instead of a square. Except as
 35 expressly authorized or required by statute, a county election board
 36 may not print a ballot card that contains language concerning the public
 37 question other than the language authorized by a statute.
- 38 (n) The requirements in this section:
- 39 (1) do not replace; and
 40 (2) are in addition to;
 41 any other requirements in this title that apply to optical scan ballots.
- 42 (o) The procedure described in IC 3-11-2-16 must be used when a



1 ballot does not comply with the requirements imposed by this title or
 2 contains another error or omission that might result in confusion or
 3 mistakes by voters.

4 (p) This subsection applies to an optical scan ballot that does not
 5 list:

- 6 (1) the names of political parties or candidates; or
- 7 (2) the text of public questions;

8 on the face of the ballot. The ballot must be prepared in accordance
 9 with this section, except that the ballot must include a numbered circle
 10 or oval to refer to each political party, candidate, or public question.

11 SECTION 104. IC 3-11-13-18, AS AMENDED BY P.L.128-2015,
 12 SECTION 189, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) Except as provided in
 14 subsection (d), the county election board in a county using a ballot card
 15 voting system shall provide ballot cards to the precinct election board
 16 that permit voters to cast write-in votes for each officer to be voted for
 17 at that election.

18 (b) The ballot cards provided under subsection (a) must be:

- 19 (1) designed to be folded; or
- 20 (2) accompanied by a secrecy envelope;

21 to ensure the secrecy of each of the votes cast by a voter.

22 (c) This subsection is enacted to comply with 52 U.S.C. 21081 by
 23 establishing uniform and nondiscriminatory standards to define what
 24 constitutes a vote on an optical scan voting system. Except as provided
 25 in subsection (d), a write-in vote shall be cast by **making a voting**
 26 **mark on the appropriate place on the ballot and** printing the name
 27 of the candidate and the title of the office (**if the title of the office is**
 28 **not already printed on the ballot**) in the space provided for write-in
 29 votes on a ballot card or secrecy envelope.

30 (d) Space for write-in voting for an office is not required if:

- 31 (1) there are no declared write-in candidates for that office; or
- 32 (2) the marking device allows for entry of a write-in candidate
 33 that can be read by a tabulator.

34 However, procedures must be implemented to permit write-in voting
 35 for candidates for federal offices.

36 SECTION 105. IC 3-11-13-22, AS AMENDED BY P.L.100-2018,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: Sec. 22. (a) This section applies to:

- 39 (1) a ballot card voting system; and
- 40 (2) a voting system that includes features of a ballot card voting
 41 system and a direct record electronic voting system.

42 (b) The county election board of each county planning to use



1 automatic tabulating machines at the next election shall randomly
 2 select at least ten percent (10%) of the automatic tabulating machines
 3 for testing to ascertain that the machines will correctly count the votes
 4 cast for straight party tickets, for all candidates (including write-in
 5 candidates), and on all public questions. If an individual attending the
 6 public test requests that additional automatic tabulating machines be
 7 tested, then the county election board shall randomly select and test
 8 additional machines up to a maximum of fifteen percent (15%) of the
 9 machines that will be used at the next election. Not later than seven (7)
 10 days after conducting the test under this subsection, the county election
 11 board shall certify to the election division that the test has been
 12 conducted in conformity with this subsection. The testing under this
 13 subsection must begin before absentee voting begins in the office of the
 14 circuit court clerk under IC 3-11-10-26.

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

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

19 (1) a ballot:

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

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

26 (i) ceased to be a candidate; and

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

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

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

38 SECTION 106. IC 3-11-13-28.1, AS ADDED BY P.L.76-2014,
 39 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 28.1. (a) This section does not apply:

41 (1) to a ballot card voted by absentee ballot; or

42 (2) in a ~~vote center~~ county using an electronic poll book and a



- 1 printer separate from the electronic poll book.
- 2 (b) Except as provided in subsection (c), the two (2) poll clerks of
3 each precinct shall place their initials in ink on the back of each ballot
4 card:
- 5 (1) at the time the card is issued to a voter; or
6 (2) in the case of a ballot marked by a marking device for an
7 optical scan ballot, before the ballot is placed into the tabulating
8 device.
- 9 The initials must be in the poll clerks' ordinary handwriting or printing
10 and without a distinguishing mark of any kind.
- 11 (c) In a vote center county using an electronic poll list and a printer
12 separate from the electronic poll list, the printed initials of the poll
13 clerks captured through the electronic signature pad or tablet at the
14 time the poll clerks log into the electronic poll book system may be
15 printed by a printer separate from the electronic poll list on the back of
16 each ballot card immediately before the ballot card is delivered to the
17 voter.
- 18 (d) Except as provided in IC 3-12-1-12, a ballot card is not valid
19 unless, immediately before the ballot card is delivered to the voter:
- 20 (1) the ballot card is initialed by both poll clerks; or
21 (2) the initials of both poll clerks are printed on the back of the
22 ballot card in accordance with subsection (c).
- 23 SECTION 107. IC 3-11-14-25 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) After
25 voting, the voter shall immediately leave the booth and announce to the
26 poll clerks that the voter has voted. The poll clerks shall write a voting
27 mark after the voter's name, and the voter shall leave the room.
- 28 (b) **If a voter leaves the booth without casting a ballot, a precinct
29 election official shall:**
- 30 (1) **attempt to advise the voter not to leave the polls because
31 the voter's ballot has not been cast; and**
32 (2) **permit the voter to return to the booth to complete the
33 process of casting the voter's ballot.**
- 34 (c) **If the voter has left the polls, or declines to return to the
35 booth, the inspector shall direct both judges to enter into the booth
36 and complete the process of casting the ballot for the voter. The
37 judges shall promptly complete a form prescribed under
38 IC 3-5-4-8. The form must be signed by both judges and contain
39 the following information:**
- 40 (1) **The name of the voter who left the polls without
41 completing the process of casting a ballot.**
42 (2) **The approximate time that the voter left the polls.**



1 **(3) Whether the voter was advised that the voter could return**
 2 **to the booth to complete the casting of the ballot.**

3 **(4) A statement made under the penalties for perjury**
 4 **indicating that the judges jointly cast the ballot without either**
 5 **judge making any alteration to the choices made by the voter.**

6 SECTION 108. IC 3-11-14-32 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 32. The certificates of
 8 the number of votes cast for each person shall be made and signed as
 9 required by IC 3-12, and the precinct election officers shall make and
 10 sign ~~all statements~~ **the statement** of the number of votes required by
 11 law in duplicate, triplicate, or otherwise. **under section 30 of this**
 12 **chapter. The inspector is only required to provide duplicate copies**
 13 **of the statement to another precinct election officer or a watcher,**
 14 **upon request.** The certificates and other papers shall be returned to the
 15 circuit court clerk in the same manner and with the same penalties that
 16 are prescribed in IC 3-12 for election returns from precincts in which
 17 electronic voting systems are not used.

18 SECTION 109. IC 3-11-14.5-1, AS AMENDED BY P.L.100-2018,
 19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 1. (a) The county election board of each county
 21 planning to use an electronic voting system at the next election shall
 22 randomly select at least three (3) precincts within the county and test
 23 the voting system units to be used at those precincts on election day.
 24 Each voting system shall be tested to ascertain that the system will
 25 correctly count the votes cast for straight party tickets, for all
 26 candidates (including write-in candidates), and on all public questions
 27 in that precinct.

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

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

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

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

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

38 (i) ceased to be a candidate; and

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

41 (2) voting system units used in the test conducted under this
 42 section did not contain a ballot that was reprinted or corrected to



1 remove the omission of a candidate, political party, or public
 2 question, or indicate the name of the successor candidate;
 3 the county election board shall conduct an additional public test
 4 described in subsection (a) using the voting system units previously
 5 tested and containing the reprinted or corrected ballots.

6 SECTION 110. IC 3-11-15-46, AS AMENDED BY P.L.100-2018,
 7 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 46. (a) The county election board is
 9 responsible for defining the specific access policies applying to voting
 10 systems and electronic poll books in each election and for specifying
 11 when any variations from these policies are permitted.

12 (b) The county election board may adopt a resolution to establish a
 13 security protocol to secure the voting systems and electronic poll books
 14 used in each election conducted in the county. The security protocol
 15 must include an audit trail to detect unauthorized access to the voting
 16 systems and electronic poll books. A resolution adopted under this
 17 subsection must be adopted by the unanimous vote of the board's entire
 18 membership. If the board adopts a resolution under this subsection, the
 19 requirements of subsections (c) through (g) do not apply to the county
 20 **when a copy of the resolution is filed with the election division.** The
 21 person or entity conducting the voting system technical oversight
 22 program and the election division shall be available to advise the
 23 county election board in the development of a security protocol under
 24 this subsection.

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

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

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

- 40 (1) To conduct maintenance on the voting system or electronic
- 41 poll book.
- 42 (2) To prepare the voting system or electronic poll book for use



- 1 in the next election to be conducted by the county in which the
 2 voting system or electronic poll book will be made available.
- 3 (3) To install certified voting system hardware, firmware, or
 4 software on a voting system or certified upgrades on an electronic
 5 poll book.
- 6 (4) To conduct a public test of the voting system or electronic poll
 7 book required by state law.
- 8 (5) To conduct an audit authorized or required by this title.
- 9 (6) For the county election board to correct an error under
 10 IC 3-12-5-14.
- 11 (7) When ordered during a recount or contest proceeding under
 12 IC 3-12.
- 13 (f) The county election board shall reseal the voting system or
 14 electronic poll book immediately after the completion of the
 15 maintenance, installation, audit, correction, recount proceeding, or
 16 contest proceeding. When the county election board orders the
 17 unsealing of the voting system or electronic poll book to prepare for the
 18 use of the equipment in an election, the voting system or electronic poll
 19 book may remain unsealed until the canvassing is completed under
 20 subsection (d).
- 21 (g) The county election board shall document when each voting
 22 system or electronic poll book is sealed or unsealed under this section,
 23 identifying:
- 24 (1) the serial number of each voting system or electronic poll
 25 book that is sealed or unsealed;
- 26 (2) the date on which the sealing or unsealing occurred; and
- 27 (3) the individual who performed the sealing or unsealing.
- 28 SECTION 111. IC 3-11-18.1-4, AS AMENDED BY P.L.76-2014,
 29 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 4. The plan required by section 3 of this chapter
 31 must include at least the following:
- 32 (1) The total number of vote centers to be established.
- 33 (2) The location of each vote center.
- 34 (3) The effective date of the order.
- 35 (4) The following information according to the computerized list
 36 (as defined in IC 3-7-26.3-2) as of the date of the order:
- 37 (A) The total number of voters within the county.
- 38 (B) The number of active voters within the county.
- 39 (C) The number of inactive voters within the county.
- 40 (5) For each vote center designated under subdivision (2), a list
 41 of the precincts whose polls will be located at the vote center
 42 consistent with section 13 of this chapter for an election that is not



- 1 being held in each precinct of the county.
- 2 ~~(6)~~ (5) For each vote center designated under subdivision (2), the
- 3 number of precinct election boards that will be appointed to
- 4 administer an election at the vote center.
- 5 ~~(7)~~ (6) For each precinct election board designated under
- 6 subdivision ~~(6)~~; (5), the number and name of each precinct the
- 7 precinct election board will administer consistent with section 13
- 8 of this chapter for an election that is not being held in each
- 9 precinct of the county.
- 10 ~~(8)~~ (7) For each vote center designated under subdivision (2), the
- 11 number and title of the precinct election officers who will be
- 12 appointed to serve at the vote center.
- 13 ~~(9)~~ (8) For each vote center designated under subdivision (2):
- 14 (A) the number and type of ballot variations that will be
- 15 provided at the vote center; and
- 16 (B) whether these ballots will be:
- 17 (i) delivered to the vote center before the opening of the
- 18 polls; or
- 19 (ii) printed on demand for a voter's use.
- 20 ~~(10)~~ (9) A detailed description of any hardware, firmware, or
- 21 software used:
- 22 (A) to create an electronic poll list for each precinct whose
- 23 polls are to be located at a vote center; or
- 24 (B) to manage data in an electronic poll book through a secure
- 25 electronic connection between the county election board and
- 26 the precinct election officials administering a vote center.
- 27 ~~(11)~~ (10) A description of the equipment and procedures to be
- 28 used to ensure that information concerning a voter entered into
- 29 any electronic poll book used by precinct election officers at a
- 30 vote center is immediately accessible to:
- 31 (A) the county election board; and
- 32 (B) the electronic poll books used by precinct election officers
- 33 at all other vote centers in the county.
- 34 ~~(12)~~ For each precinct designated under subdivision (5), the
- 35 number of electronic poll books to be provided for the precinct.
- 36 ~~(13)~~ (11) This subdivision applies to a county in which ballot
- 37 cards are used at a vote center. For each vote center designated
- 38 under subdivision (2), whether each ballot card printed will have
- 39 the printed initials of the poll clerks captured through the
- 40 electronic signature pad or tablet at the time the poll clerks log
- 41 into the electronic poll book system printed on the back of the
- 42 ballot card immediately before the ballot card is delivered to a



- 1 voter.
- 2 ~~(14)~~ **(12)** The security and contingency plans to be implemented
- 3 by the county to do all of the following:
- 4 (A) Prevent a disruption of the vote center process.
- 5 (B) Ensure that the election is properly conducted if a
- 6 disruption occurs.
- 7 (C) Prevent access to an electronic poll book without the
- 8 coordinated action of two (2) precinct election officers who are
- 9 not members of the same political party.
- 10 ~~(15)~~ **(13)** A certification that the vote center complies with the
- 11 accessibility requirements applicable to polling places under
- 12 IC 3-11-8.
- 13 ~~(16)~~ **(14)** A sketch depicting the planned layout of the vote center,
- 14 indicating the location of:
- 15 (A) equipment; and
- 16 (B) precinct election officers;
- 17 within the vote center.
- 18 ~~(17)~~ **(15)** The total number and locations of satellite offices to be
- 19 established under IC 3-11-10-26.3 at vote center locations
- 20 designated under subdivision (2) to allow voters to cast absentee
- 21 ballots in accordance with IC 3-11. However, a plan must provide
- 22 for at least one (1) vote center to be established as a satellite
- 23 office under IC 3-11-10-26.3 on the two (2) Saturdays
- 24 immediately preceding an election day.
- 25 ~~(18)~~ **(16)** The method and timing of providing voter data to
- 26 persons who are entitled to receive the data under this title. Data
- 27 shall be provided to all persons entitled to the data without
- 28 unreasonable delay.
- 29 ~~(19) That the county election board shall adopt a resolution under~~
- 30 ~~IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of~~
- 31 ~~absentee ballots applicable to the county (if the board has not~~
- 32 ~~already done so):~~
- 33 ~~(20) For a plan adopted after July 1, 2014,~~ **(17)** In a county in
- 34 which a majority of votes are cast on optical scan ballot cards, any
- 35 additional procedures to provide for efficient and secure voting at
- 36 each vote center, including ballot on demand printing.
- 37 SECTION 112. IC 3-11-18.1-5, AS AMENDED BY P.L.201-2017,
- 38 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2019]: Sec. 5. (a) Except as provided in ~~subsection (b);~~
- 40 **subsections (b) and (c)**, a plan must provide a vote center for use by
- 41 voters residing within the county for use in a primary election, general
- 42 election, special election, municipal primary, or municipal election



1 conducted on or after the effective date of the county election board's
2 order.

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

- 6 (1) located within the county; and
7 (2) having a population of less than three thousand five hundred
8 (3,500).

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

12 SECTION 113. IC 3-11-18.1-7, AS ADDED BY P.L.1-2011,
13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2019]: Sec. 7. Before adopting an order designating a county
15 as a vote center county under this chapter, the county election board
16 must determine the following:

- 17 (1) That the secure electronic connection as described under
18 section ~~4(10)(B)~~ **4(9)(B)** of this chapter is sufficient to prevent:
19 (A) any voter from voting more than once; and
20 (B) unauthorized access by any person to:
21 (i) the electronic poll lists for a precinct whose polls are to
22 be located at the vote center; or
23 (ii) the computerized list of voters of the county.
24 (2) That the planned design and location of the equipment and
25 precinct officers will provide the most efficient access for:
26 (A) voters to enter the polls, cast their ballots, and leave the
27 vote center; and
28 (B) precinct election officials, watchers, challengers, and
29 pollbook holders to exercise their rights and perform their
30 duties within the vote center.

31 SECTION 114. IC 3-11-18.1-12, AS AMENDED BY P.L.100-2018,
32 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2019]: Sec. 12. (a) Notwithstanding section 1 of this chapter,
34 this section applies to an electronic poll book to be used in:

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

38 (b) Notwithstanding any other law, the electronic poll ~~list~~ **book** used
39 at each vote center must **satisfy all of the following:**

- 40 (1) **The electronic poll book must** comply with IC 3-11-8-10.3.
41 **and**
42 (2) **The electronic poll book must** be approved by the secretary



1 of state in accordance with this section.

2 **(3) Except with prior written authorization by the voting**
 3 **system technical oversight program (VSTOP) established by**
 4 **IC 3-11-16-2, the electronic poll book must have been**
 5 **delivered to the county election board not less than sixty (60)**
 6 **days before an election at which the electronic poll book is**
 7 **used.**

8 (c) A person who wishes to market, sell, lease, or provide an
 9 electronic poll book for use in an election in Indiana must first file an
 10 application for certification with the election division on a form
 11 prescribed by the secretary of state. Except as provided in subsection
 12 (h), a person may not market, sell, lease, or provide an electronic poll
 13 book for use in an election in Indiana until the secretary of state has
 14 approved the application for certification under this section.

15 (d) The secretary of state shall refer the application to the person or
 16 entity conducting ~~the voting system technical oversight program~~
 17 ~~(VSTOP) established by IC 3-11-16-2: VSTOP.~~

18 (e) The VSTOP shall examine the electronic poll book with its
 19 accompanying documentation and file a report with the secretary of
 20 state indicating:

- 21 (1) whether the electronic poll book would operate in compliance
 22 with this title;
 23 (2) any recommendations regarding the acquisition or use of the
 24 electronic poll book; and
 25 (3) whether VSTOP recommends that the secretary of state
 26 approve the electronic poll book under this section, including any
 27 recommended restrictions that should be placed on the secretary
 28 of state's approval.

29 (f) After the report required by subsection (e) is filed, the secretary
 30 of state may approve the application for certification permitting the
 31 electronic poll book to be used in an election in Indiana.

32 (g) A certification under this section expires on December 31 of the
 33 year following the date of its issuance, unless earlier revoked by the
 34 secretary of state upon a written finding of good cause for the
 35 revocation.

36 (h) A person may display or demonstrate an electronic poll book
 37 that has not been certified under this section if the person complies
 38 with all the following requirements:

- 39 (1) The display or demonstration occurs at a conference of
 40 election officials sponsored by:
 41 (A) a state agency; or
 42 (B) an association of circuit court clerks or voter registration



- 1 officers.
- 2 (2) The person files a notice with the election division at least
- 3 seven (7) days before the scheduled starting date of a conference
- 4 referred to in subdivision (1) setting forth the following:
- 5 (A) The name of the person and each representative scheduled
- 6 to display or demonstrate the electronic poll book.
- 7 (B) The address and telephone number of the person.
- 8 (C) The model name of the electronic poll book.
- 9 (D) The name and manufacturer of the electronic poll book.
- 10 (E) The date and location of the display or demonstration of
- 11 the electronic poll book.
- 12 (3) The person displays the electronic poll book with a notice that:
- 13 (A) is at least 16 point type size;
- 14 (B) is posted on the surface of the electronic poll book; and
- 15 (C) states that the electronic poll book is "Not Approved for
- 16 Use in Indiana".
- 17 (4) The person ensures that each communication concerning the
- 18 electronic poll book that is available or made at a conference
- 19 referred to in subdivision (1) includes a statement that the
- 20 electronic poll book is "Not Approved for Use in Indiana". A
- 21 printed communication must include the statement in a type size
- 22 that is at least as large as the largest type size used in the
- 23 communication.
- 24 SECTION 115. IC 3-11.5-1-1.1, AS AMENDED BY P.L.266-2013,
- 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2019]: Sec. 1.1. This article applies to **all counties**.
- 27 ~~(1) a county subject to IC 3-11.5-4-0.5; or~~
- 28 ~~(2) a county whose county election board, by unanimous vote of~~
- 29 ~~the board's entire membership, has adopted a resolution under~~
- 30 ~~IC 3-11.5-5-1 or IC 3-11.5-6-1.~~
- 31 SECTION 116. IC 3-11.5-1-4 IS REPEALED [EFFECTIVE JULY
- 32 1, 2019]. Sec. 4. ~~To the extent that they are in conflict with this article,~~
- 33 ~~the following statutes do not apply to a county that has adopted a~~
- 34 ~~resolution described by section 1 of this chapter (before its repeal) or~~
- 35 ~~section 1.1 of this chapter:~~
- 36 ~~(1) IC 3-11-4-22.~~
- 37 ~~(2) IC 3-11-10-1.5.~~
- 38 ~~(3) IC 3-11-10-3.~~
- 39 ~~(4) IC 3-11-10-5.~~
- 40 ~~(5) IC 3-11-10-6.~~
- 41 ~~(6) IC 3-11-10-7.~~
- 42 ~~(7) IC 3-11-10-8.~~



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

23 SECTION 117. IC 3-11.5-4-0.5 IS REPEALED [EFFECTIVE JULY
 24 1, 2019]. Sec. 0.5: (a) This section applies only to a county having a
 25 consolidated city:

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

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

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

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

37 all absentee ballots shall be counted at individual precincts instead of
 38 at a central location:

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

41 SECTION 118. IC 3-11.5-5-1 IS REPEALED [EFFECTIVE JULY
 42 1, 2019]. Sec. 1: (a) This chapter applies in a county only if the county



1 election board adopts a resolution making this chapter applicable in the
2 county:

3 (b) A copy of a resolution adopted under this section shall be filed
4 with the election division:

5 (c) A county election board may not adopt a resolution under this
6 section less than:

7 (1) sixty (60) days before an election is to be conducted; or

8 (2) fourteen (14) days after an election has been conducted:

9 (d) A resolution adopted under this section takes effect immediately
10 and may only be rescinded by the unanimous vote of the entire
11 membership of the county election board:

12 SECTION 119. IC 3-11.5-6-1 IS REPEALED [EFFECTIVE JULY
13 1, 2019]. Sec. 1. (a) This chapter applies in a county only if the county
14 election board adopts a resolution making this chapter applicable in the
15 county:

16 (b) A copy of a resolution adopted under this section shall be sent
17 to the election division:

18 (c) A county election board may not adopt a resolution under this
19 section less than:

20 (1) sixty (60) days before an election is to be conducted; or

21 (2) fourteen (14) days after an election has been conducted:

22 (d) A resolution adopted under this section takes effect immediately
23 and may only be rescinded by the unanimous vote of the entire
24 membership of the county election board:

25 SECTION 120. IC 3-11.5-6-4, AS AMENDED BY P.L.210-2018,
26 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
28 county having a consolidated city. To minimize delay, the absentee
29 ballot counters shall continue to count without interruption until all
30 absentee ballots for the precinct are canvassed and the certificates
31 required by this chapter are prepared and delivered to the person
32 entitled to receive the certificates.

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

40 SECTION 121. IC 3-11.7-5-30 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2019]: Sec. 30. (a) This section applies to a



1 **provisional ballot that the county election board determines was**
 2 **cast by an individual who is registered to vote in an Indiana county**
 3 **other than the county in which the provisional ballot was cast.**

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

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

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

11 SECTION 122. IC 3-11.7-6-3, AS AMENDED BY P.L.128-2015,
 12 SECTION 206, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) As required by 52 U.S.C.
 14 21082, a county election board shall establish a free access system such
 15 as a toll-free telephone number or an Internet web site that enables a
 16 provisional voter to determine:

17 (1) whether the individual's provisional ballot was counted; and
 18 (2) if the provisional ballot was not counted, the reason the
 19 provisional ballot was not counted.

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

22 (1) The name of the individual.
 23 (2) The address of the individual.
 24 (3) Whether the individual's provisional ballot was counted.
 25 (4) If the individual's provisional ballot was not counted, the
 26 reason the provisional ballot was not counted.

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

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

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

40 SECTION 123. IC 3-11.7-7 IS ADDED TO THE INDIANA CODE
 41 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]:

SB 560—LS 7331/DI 75



1 **Chapter 7. Standards for Issuing an Order Extending the Hour**
 2 **for the Closing of the Polls**

3 **Sec. 1. This chapter applies to any order described by 52 U.S.C.**
 4 **21082(c) to extend the hour for the closing of the polls fixed by**
 5 **IC 3-11-8-8.**

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

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

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

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

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

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

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

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

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

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

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

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

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

42 **(2) the sufficiency of the evidence to sustain the findings of**



- 1 **fact upon which the court or state governmental entity's**
 2 **action was rendered.**
- 3 SECTION 124. IC 3-12-1-5, AS AMENDED BY P.L.21-2016,
 4 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 5. (a) This subsection does not apply to a ballot
 6 card voting system or an electronic voting system. Except as provided
 7 in subsection (d), a voting mark made by a voter on or in a voting
 8 square at the left of a candidate's name or political party's name shall
 9 be counted as a vote for the candidate or candidates of the political
 10 party.
- 11 (b) This subsection applies to a ballot card voting system. A voting
 12 mark made by a voter:
- 13 (1) on or in a circle, oval, or square; or
 14 (2) to connect a connectable arrow;
 15 immediately below or beside a candidate's name or political party's
 16 name shall be counted as a vote for the candidate or candidates of the
 17 political party, except as provided in subsection (d).
- 18 (c) This subsection applies to a direct record electronic voting
 19 system. A voting mark made by a voter touching a touch sensitive point
 20 or button below or beside a candidate's name or political party's name
 21 shall be counted as a vote for the candidate or candidates of the
 22 political party, except as provided in subsection (d).
- 23 (d) A voter who wishes to cast a ballot for a candidate for election
 24 to an at-large district **to which more than one (1) person may be**
 25 **elected** on a:
- 26 (1) county council;
 27 (2) city common council;
 28 (3) town council; or
 29 (4) township board;
- 30 must make a voting mark for each individual candidate for whom the
 31 voter wishes to cast a vote. A straight ticket voting mark on a paper
 32 ballot, ballot card voting system, or electronic voting system shall not
 33 be counted as a straight party ticket voting mark as a vote for any
 34 candidate for an office described by this subsection.
- 35 SECTION 125. IC 3-12-1-8, AS AMENDED BY P.L.21-2016,
 36 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2019]: Sec. 8. (a) Except as provided in subsection (b), a
 38 voting mark made by a voter on or in a circle containing a political
 39 party device shall be counted as a vote for each candidate of that
 40 political party on that ballot.
- 41 (b) A voter who wishes to cast a ballot for a candidate for election
 42 to an at-large district **to which more than one (1) person may be**



- 1 **elected on a:**
 2 (1) county council;
 3 (2) city common council;
 4 (3) town council; or
 5 (4) township board;
 6 must make a voting mark for each individual candidate for whom the
 7 voter wishes to cast a vote. A voting mark on or in a circle containing
 8 a political party device shall not be counted as a straight party ticket
 9 voting mark as a vote for any candidate for an office described by this
 10 subsection.
- 11 SECTION 126. IC 3-12-1-17, AS AMENDED BY P.L.76-2014,
 12 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 17. (a) This section applies only to an absentee
 14 ballot sent by mail.
- 15 (b) Notwithstanding ~~IC 3-11-10-14~~ and IC 3-11.5-4-7, an absentee
 16 ballot received from an overseas voter is not considered as arriving too
 17 late if both of the following apply:
- 18 (1) The absentee ballot envelope is postmarked not later than the
 19 date of the election.
- 20 (2) The absentee ballot is received not later than noon ten (10)
 21 days following the election.
- 22 (c) If the postmark on the absentee ballot envelope is unclear, the
 23 county election board, by unanimous vote of the entire membership of
 24 the board, determines the postmark date. If the board is unable to
 25 determine the postmark date, the absentee ballot may not be counted.
- 26 SECTION 127. IC 3-12-1-19, AS ADDED BY P.L.66-2010,
 27 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 19. (a) This section applies to a federal
 29 write-in absentee ballot cast in a general election, municipal election,
 30 or special election as provided in IC 3-11-4-12.5(b)(2) by an absent
 31 uniformed services voter or overseas voter.
- 32 (b) If a voter designates a candidate by writing in the name of a
 33 political party on the ballot, the voter's vote shall be counted for all
 34 candidates of that political party on the ballot.
- 35 (c) If a voter writes an abbreviation, misspelling, or other minor
 36 variation instead of the correct name of a candidate or a political party,
 37 the voter's vote shall be counted if the intent of the voter can be
 38 determined.
- 39 **(d) This subsection applies to a voter who casts a ballot for:**
 40 **(1) an individual who is a candidate for President of the**
 41 **United States;**
 42 **(2) an individual who is a candidate for Vice President of the**



1 **United States; or**

2 **(3) both individuals who are candidates for President of the**
 3 **United States and Vice President of the United States.**

4 **A ballot cast as described in this subsection is considered to be cast**
 5 **for the presidential electors and alternate presidential electors**
 6 **pledged to support the ticket of candidates for President and Vice**
 7 **President printed on the regular official ballot.**

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

9 **(1) an individual who is a candidate for governor;**

10 **(2) an individual who is a candidate for lieutenant governor;**

11 **(3) both individuals who are candidates for governor and**
 12 **lieutenant governor.**

13 **A ballot cast as described in this subsection is considered to be cast**
 14 **for both individuals who are candidates for governor and**
 15 **lieutenant governor of Indiana who are printed on the regular**
 16 **official ballot.**

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

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

23 (1) is enacted to comply with 52 U.S.C. 21081 by establishing
 24 uniform and nondiscriminatory standards to define what will be
 25 counted as a vote on a paper ballot; and

26 (2) applies to each precinct where voting is by paper ballot.

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

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

37 (1) ~~a candidate received for an office; or~~

38 (2) ~~cast to approve or reject a public question;~~

39 ~~on absentee ballots counted under this subsection.~~

40 (d) ~~(c)~~ If a precinct election board administers more than one (1)
 41 precinct, the board shall keep the ballots cast in each precinct separate
 42 from ballots cast in any other precinct, so that the votes cast for each



1 candidate and on each public question in each of the precincts
2 administered by the board may be determined.

3 SECTION 129. IC 3-12-2-7.5, AS AMENDED BY P.L.201-2017,
4 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 7.5. (a) This section applies to the counting of
6 federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

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

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

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

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

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

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

27 (1) the ballot was submitted:

28 (A) by an overseas voter who is not an absent uniformed
29 services voter; and

30 (B) from within the United States;

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

34 (3) the voter's completed regular state absentee ballot was
35 received by the county election board by the deadline for
36 receiving absentee ballots under ~~IC 3-11-10-11~~; **IC 3-11.5-4-10**
37 **or IC 3-12-1-17**; or

38 (4) the ballot subject to this section was not received by the
39 county election board by the deadline for receiving absentee
40 ballots under ~~IC 3-11-10-11~~; **IC 3-11.5-4-10 or IC 3-12-1-17**.

41 (g) If a federal write-in absentee ballot is received by the county
42 election board in an envelope that does not indicate that the envelope



1 contains the ballot, and the envelope is opened by the county election
 2 board, the absentee ballot shall nevertheless be counted if otherwise
 3 valid. The county election board shall:

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

10 SECTION 130. IC 3-12-5-1, AS AMENDED BY P.L.221-2005,
 11 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Whenever a candidate is
 13 elected to a local office that is commissioned by the governor under
 14 IC 4-3-1-5, the circuit court clerk shall prepare a statement ~~under the~~
 15 ~~clerk's seal~~ specifying the number of votes received by each candidate
 16 for that office.

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

- 19 (1) The ratification of a state constitutional amendment submitted
 20 to the electorate.
 21 (2) The retention of a justice of the supreme court or a judge of
 22 the court of appeals or tax court.
 23 (3) Each candidate who was declared elected by the county
 24 election board under IC 3-12-4-9.

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

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

- 31 (1) Each state constitutional amendment ratified or rejected.
 32 (2) Each justice or judge retained or removed.

33 (e) The election division shall provide a copy of a certificate
 34 described by:

- 35 (1) subsection (d)(1) to the chief justice of the Indiana supreme
 36 court and the director of the office of code revision of the
 37 legislative services agency; and
 38 (2) subsection (d)(2) to the chief justice of the state.

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

41 SECTION 131. IC 3-12-5-1.5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) This section



1 applies to a statement required to be ~~sent or delivered~~ **transmitted** to
2 the election division by a circuit court clerk under this chapter.

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

9 SECTION 132. IC 3-12-5-5, AS AMENDED BY P.L.221-2005,
10 SECTION 111, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Not later than noon on the
12 second Monday following an election for governor and lieutenant
13 governor, each circuit court clerk shall prepare a certified statement
14 ~~under the clerk's seal~~ showing the number of votes each candidate
15 received. The clerk shall transmit the statement to the election division
16 **in accordance with section 1.5 of this chapter.** The election division
17 shall deliver:

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

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

21 (b) The house of representatives and the senate shall meet in joint
22 convention not later than the date specified in Article 5, Section 9 of
23 the Constitution of the State of Indiana for the commencement of the
24 term of the governor and the lieutenant governor to hear the canvass of
25 votes cast for governor and lieutenant governor.

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

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

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

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

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

38 SECTION 133. IC 3-12-5-6, AS AMENDED BY P.L.221-2005,
39 SECTION 112, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Not later than noon on the
41 second Monday following an election, each circuit court clerk shall
42 prepare a certified statement under the clerk's seal of the number of



1 votes received by each candidate for:

- 2 (1) federal office;
 3 (2) state office;
 4 (3) legislative office; and
 5 (4) a local office for which a declaration of candidacy must be
 6 filed with the election division under IC 3-8-2.

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

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

12 SECTION 134. IC 3-12-5-11, AS AMENDED BY P.L.221-2005,
 13 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) As soon as practical, but no
 15 later than noon on the second Monday following an election for a
 16 legislative office, each circuit court clerk shall:

- 17 (1) prepare a certified statement ~~under the clerk's seal~~ specifying
 18 the number of votes received in the county by each candidate for
 19 legislative office; and
 20 (2) ~~send transmit~~ the statement ~~by certified mail; return receipt~~
 21 ~~requested; or hand deliver the statement~~ to the election division
 22 **in accordance with section 1.5 of this chapter.**

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

25 SECTION 135. IC 3-12-5-13 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. The election
 27 division may not reject a certified statement received ~~under seal~~ from
 28 a circuit court clerk under section 6 or 11 of this chapter but shall
 29 estimate, aggregate, and tabulate the total number of votes as evidenced
 30 by the face of each certified statement.

31 SECTION 136. IC 3-12-8-1, AS AMENDED BY P.L.194-2013,
 32 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2019]: Sec. 1. (a) This section does not apply to a challenge
 34 filed before an election to the eligibility of a candidate nominated by
 35 petition for election to an office. The challenge described by this
 36 subsection must be conducted in accordance with IC 3-8-1-2.

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

- 40 (1) receives the most votes in a primary election; and
 41 (2) is certified as deceased under IC 3-8-7-1.

42 (c) If a candidate who is entitled to contest the nomination or



1 election of a candidate under this chapter does not file a petition within
 2 the period established by section 5 of this chapter, the county chairman
 3 of a political party of which the candidate entitled to file a petition
 4 under this chapter was a member may file a petition to contest the
 5 nomination or election of a candidate. A county chairman is entitled to
 6 contest an election under this chapter only in a partisan race.

7 **(d) This subsection applies to an election for a school board**
 8 **office. If there is no candidate who is entitled to contest the election**
 9 **of another candidate to a school board office, a voter of the school**
 10 **corporation may file a petition to contest the election of the**
 11 **candidate.**

12 SECTION 137. IC 3-12-10-12 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The
 14 expenses of a recount conducted by the state recount commission shall
 15 be paid from the state recount fund following the commission's
 16 determination of whether a full or partial refund of the cash deposit
 17 should be granted under IC 3-12-11-10.

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

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

- 22 (1) the appearance of an individual; or
 23 (2) the copying or production of documents;

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

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

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

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



1 **under IC 3-12-11.**

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

5 SECTION 138. IC 3-12-12-2, AS AMENDED BY P.L.74-2017,
6 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2019]: Sec. 2. A voter who desires a recount under this
8 chapter must file a verified petition no later than noon fourteen (14)
9 days after election day. The petition must be filed:

10 (1) in the circuit court, superior court, or probate court of each
11 county in which is located a precinct in which the voter desires a
12 recount; **and or**

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

15 SECTION 139. IC 3-13-1-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. A candidate vacancy
17 that exists on a primary election ballot may not be filled for the primary
18 election. The resulting vacancy on the following general or municipal
19 election ballot may be filled in the manner prescribed by this chapter.
20 ~~but only if it is filed by noon June 30 before election day.~~

21 SECTION 140. IC 3-13-1-3 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. Except as provided
23 in IC 3-10-8-7, a candidate vacancy for United States Senator or a state
24 office shall be filled ~~by the state committee of the political party in~~
25 **accordance with the state rules of the political party.**

26 SECTION 141. IC 3-13-1-4, AS AMENDED BY P.L.219-2013,
27 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 4. Except as provided in IC 3-10-8-7.5, a
29 candidate vacancy for United States Representative shall be filled ~~by~~
30 ~~a caucus comprised by the precinct committeemen of the political party~~
31 ~~whose precincts are within the congressional district in accordance~~
32 **with the state rules of the political party.**

33 SECTION 142. IC 3-13-1-5 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. A candidate vacancy
35 for a legislative office shall be filled ~~by a caucus comprised by the~~
36 ~~precinct committeemen of the political party whose precincts are within~~
37 ~~the senate or house district in accordance with the state rules of the~~
38 **political party.**

39 SECTION 143. IC 3-13-1-6, AS AMENDED BY P.L.216-2015,
40 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2019]: Sec. 6. ~~(a) As used in this section, "county committee"~~
42 ~~refers to the precinct committeemen and vice committeemen of a major~~



1 political party representing a precinct within the county:

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

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

7 (2) the county chairman of the political party or a caucus
8 comprised of the chairman, vice chairman, secretary, and
9 treasurer of the county committee of the party, if:

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

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

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

17 (c) A candidate vacancy for the office of circuit court judge or
18 prosecuting attorney in a circuit having more than one (1) county shall
19 be filled by a caucus comprised of the precinct committeemen who
20 constitute the county committees of the political party for all of the
21 circuit.

22 SECTION 144. IC 3-13-1-8 IS REPEALED [EFFECTIVE JULY 1,
23 2019]. Sec. 8: A meeting under section 3; 4; 5; or 6 of this chapter shall
24 be called and chaired by:

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

28 (2) the county chairman of the county in which the greatest
29 percentage of the population of the election district is located; or
30 an individual designated by the county chairman, for a caucus or
31 committee acting under section 6(b) of this chapter.

32 SECTION 145. IC 3-13-1-9 IS REPEALED [EFFECTIVE JULY 1,
33 2019]. Sec. 9: The call for a meeting under section 3; 4; 5; or 6 of this
34 chapter must:

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

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

37 (3) state the purpose of the meeting;

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

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

41 (6) be filed not later than noon ten (10) days before the meeting
42 with the official who is required to receive a certificate of



1 candidate selection following the caucus under section 15 of this
2 chapter:

3 SECTION 146. IC 3-13-1-10 IS REPEALED [EFFECTIVE JULY
4 1, 2019]. Sec. 10: (a) To be eligible to participate in a caucus called
5 under section 4, 5, or 6 of this chapter, an elected precinct
6 committeeman must be entitled to vote for the office for which a
7 candidate is to be selected. An elected precinct committeeman is
8 eligible to participate in a caucus called under this chapter, regardless
9 of when the ballot vacancy occurred:

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

14 (c) For purposes of a candidate vacancy resulting from the failure
15 of a candidate to be nominated at a primary at which precinct
16 committeemen were elected, an appointed precinct committeeman is
17 eligible to serve if the committeeman has been reappointed following
18 the primary in accordance with the rules of the committeeman's
19 political party:

20 SECTION 147. IC 3-13-1-10.5 IS REPEALED [EFFECTIVE JULY
21 1, 2019]. Sec. 10.5: (a) A person who wishes to be a candidate for
22 appointment to fill a candidate vacancy under this chapter must file a
23 declaration of candidacy on a form prescribed by the election division
24 with:

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

27 (2) the official who is required to receive a certificate of candidate
28 selection following the caucus under section 15 of this chapter;
29 at least seventy-two (72) hours before the time fixed for the caucus or
30 committee meeting:

31 (b) A candidate's declaration of candidacy must include a statement
32 that the candidate requests the name on the candidate's voter
33 registration record be the same as the name the candidate uses on the
34 declaration of candidacy. If there is a difference between the name on
35 the candidate's declaration of candidacy and the name on the
36 candidate's voter registration record, the officer with whom the
37 declaration of candidacy is filed shall forward the information to the
38 voter registration officer of the appropriate county as required by
39 IC 3-5-7-6(e). The voter registration officer of the appropriate county
40 shall change the name on the candidate's voter registration record to be
41 the same as the name on the candidate's declaration of candidacy:

42 (c) A candidate's declaration of candidacy must contain the



1 following statements:

2 (1) This subdivision applies to a candidate filing a declaration of
3 candidacy for a state office, legislative office, local office of judge
4 of a circuit, superior, probate, or small claims court, or local
5 office of prosecuting attorney of a judicial circuit. A statement
6 that the candidate has attached either of the following to the
7 declaration:

8 (A) A copy of a statement of economic interests, file stamped
9 by the office required to receive the statement of economic
10 interests:

11 (B) A receipt or photocopy of a receipt showing that a
12 statement of economic interests has been filed:

13 This requirement does not apply to a candidate for a federal
14 office:

15 (2) This subdivision applies to a candidate filing a declaration of
16 candidacy for a local office not described in subdivision (1) or
17 school board office. A statement that the candidate understands
18 that if the candidate is selected to fill the candidate vacancy, the
19 candidate is required to file a statement of economic interests
20 under IC 3-8-9-5:

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

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

32 (5) A statement that the candidate:

33 (A) is aware of the provisions of IC 3-9 regarding campaign
34 finance and the reporting of campaign contributions and
35 expenditures; and

36 (B) agrees to comply with the provisions of IC 3-9:

37 This requirement does not apply to a candidate for a federal
38 office:

39 The candidate must separately initial each of the statements required
40 by this subsection:

41 SECTION 148. IC 3-13-1-11 IS REPEALED [EFFECTIVE JULY
42 1, 2019]. Sec. 11: (a) At a meeting called under section 3; 4; 5; or 6 of

SB 560—LS 7331/DI 75



1 this chapter, the eligible participants shall:

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

4 (2) select, by a majority vote of those casting a vote for a
5 candidate; a person to fill the candidate vacancy described in the
6 call for the meeting:

7 (b) If more than one (1) person seeks to fill the vacancy, the
8 selection shall be conducted by secret ballot:

9 SECTION 149. IC 3-13-1-11.5 IS REPEALED [EFFECTIVE JULY
10 1, 2019]. Sec. 11.5: (a) Except as provided in this section, voting by
11 proxy is not permitted in a caucus called under section 4, 5, or 6 of this
12 chapter:

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

17 (1) The vice committeeman's precinct committeeman is otherwise
18 eligible to participate in the caucus under this chapter:

19 (2) The vice committeeman's precinct committeeman is not
20 present at the caucus:

21 (3) The vice committeeman is eligible under this section:

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

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

32 SECTION 150. IC 3-13-1-12 IS REPEALED [EFFECTIVE JULY
33 1, 2019]. Sec. 12: (a) If a tie vote occurs among participants acting
34 under section 3, 4, 5, or 6(c) of this chapter, the chairman of the
35 meeting may cast the tiebreaking vote. If a tie vote occurs among
36 participants acting under section 6(b) of this chapter, the county
37 chairman or an individual designated by the county chairman may cast
38 the tiebreaking vote:

39 (b) If a quorum required under the rules of a meeting held under this
40 chapter is not present, the county chairman shall fill the candidate
41 vacancy:

42 SECTION 151. IC 3-13-1-13 IS REPEALED [EFFECTIVE JULY



1 1, 2019]. Sec. 13: If fewer than two (2) persons are eligible to
 2 participate in the filling of a candidate vacancy for an office under
 3 section 6(b) of this chapter, the county chairman entitled to call the
 4 meeting under section 8 of this chapter shall appoint a person to fill the
 5 vacancy.

6 SECTION 152. IC 3-13-1-14 IS REPEALED [EFFECTIVE JULY
 7 1, 2019]. Sec. 14: The selection of a person as a candidate under this
 8 chapter is not effective unless:

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

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

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

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

16 SECTION 153. IC 3-13-1-15, AS AMENDED BY P.L.169-2015,
 17 SECTION 155, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) A **state chairman or a**
 19 county chairman filling a candidate vacancy under ~~section 6(b)(2)~~ of
 20 this chapter or the chairman of a meeting filling a candidate vacancy
 21 under this chapter shall file a written certificate of candidate selection
 22 on a form prescribed by the election division stating the following
 23 information for each candidate selected:

24 (1) The name of each candidate as:

25 (A) the candidate wants the candidate's name to appear on the
 26 ballot; and

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

29 (2) The residence address of each candidate.

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

31 (1) The election division for:

32 (A) a ~~committee~~ **political party** acting under section 3, 4, or
 33 5 or ~~6(c)~~ of this chapter; or

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

38 (2) The circuit court clerk **of the county in which the greatest**
 39 **percentage of the population of the election district is located**,
 40 for a committee acting under section ~~6(b)~~ **6** of this chapter to fill
 41 a candidate vacancy for a local office not described in subdivision

42 (1).



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

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

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

13 SECTION 154. IC 3-13-1-20, AS AMENDED BY P.L.230-2005,
 14 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 20. (a) This section applies to a political party
 16 subject to IC 3-8-4-10, IC 3-10-2-15, or IC 3-10-6-12.

17 (b) A candidate vacancy that exists following the convention of the
 18 party shall be filled ~~by as provided by the rules of the state committee~~
 19 ~~of the political party. not later than the date and time specified by~~
 20 ~~section 7(a)(1) of this chapter for a major political party to fill a~~
 21 ~~candidate vacancy. The chairman of the state committee shall file a~~
 22 ~~notice of intent to fill the candidate vacancy with the official who is~~
 23 ~~required to receive a certificate of candidate selection under section 15~~
 24 ~~of this chapter. The notice must be filed not later than ten (10) days~~
 25 ~~before the chairman fills the candidate vacancy.~~ The chairman of the
 26 state committee shall act in accordance with section 15 of this chapter
 27 to certify the candidate selected to fill the vacancy.

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

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

- 36 (1) the death of a candidate;
- 37 (2) the withdrawal of a candidate;
- 38 (3) the disqualification of a candidate under IC 3-8-1-5; or
- 39 (4) a court order issued under IC 3-8-7-29(d);

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



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

5 SECTION 155. IC 3-13-1-21 IS REPEALED [EFFECTIVE JULY
 6 1, 2019]. Sec. 21. (a) This section applies to a certificate of candidate
 7 selection filed under section 15 or 20 of this chapter.

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

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

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

15 (3) a declaration of candidacy filed by the individual selected as
 16 the candidate; or

17 (4) the certificate of candidate selection;

18 is or was offered to be filed after the deadline for the filing provided by
 19 this chapter or was not offered for filing at or before the deadline for
 20 the filing provided by this chapter.

21 SECTION 156. IC 3-13-2-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. A candidate vacancy
 23 for United States Senator or a state office shall be filled by appointment
 24 by the state chairman of the political party **in accordance with the**
 25 **state rules of the political party.**

26 SECTION 157. IC 3-13-2-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A candidate vacancy
 28 for United States Representative shall be filled by appointment by the
 29 district chairman of the political party **in accordance with the state**
 30 **rules of the political party.**

31 SECTION 158. IC 3-13-2-4 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A candidate vacancy
 33 for a legislative office shall be filled by a majority vote of the county
 34 chairmen of the political party for all of the counties that have territory
 35 in the senate or house district **in accordance with the state rules of**
 36 **the political party.**

37 SECTION 159. IC 3-13-2-5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as
 39 provided in subsection (b), a candidate vacancy for a local office shall
 40 be filled by appointment by the county chairman of the political party
 41 of the county in which the greatest percentage of the population of the
 42 election district is located **in accordance with the state rules of the**



1 **political party.**

2 (b) A candidate vacancy for the office of circuit court judge or
3 prosecuting attorney in a circuit having more than one (1) county shall
4 be filled by a majority vote of the county chairmen of the political party
5 for all of the counties in the circuit **in accordance with the state rules**
6 **of the political party.**

7 SECTION 160. IC 3-13-2-6 IS REPEALED [EFFECTIVE JULY 1,
8 2019]. Sec. 6: (a) ~~If a tie vote occurs among a group of chairmen acting~~
9 ~~under section 4 or 5(b) of this chapter, the state chairman may cast the~~
10 ~~tiebreaking vote:~~

11 (b) ~~If a quorum required under the rules of a meeting held under this~~
12 ~~chapter is not present, the state chairman shall fill the candidate~~
13 ~~vacancy:~~

14 SECTION 161. IC 3-13-2-8, AS AMENDED BY P.L.169-2015,
15 SECTION 156, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The chairman ~~or chairmen~~
17 filling a candidate vacancy under this chapter shall immediately file a
18 written certificate of candidate selection on a form prescribed by the
19 election division stating the following information for each candidate
20 selected:

21 (1) The name of each candidate as:

22 (A) the candidate wants the candidate's name to appear on the
23 ballot; and

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

26 (2) The residence address of each candidate.

27 (b) The certificate shall be filed with:

28 (1) the election division for:

29 (A) ~~one (1) or more chairmen~~ **the chairman** acting under
30 section 2, 3, 4, or 5(b) of this chapter; or

31 (B) a committee acting under section 5(b) of this chapter to fill
32 a candidate vacancy for the office of judge of a circuit,
33 superior, probate, county, or small claims court or prosecuting
34 attorney; or

35 (2) the circuit court clerk of the county in which the greatest
36 percentage of the population of the election district is located, for
37 a chairman acting under section 5(a) of this chapter to fill a
38 candidate vacancy for a local office not described in subdivision

39 (1).

40 (c) The certificate required by subsection (a) shall be filed not more
41 than three (3) days (excluding Saturdays and Sundays) after selection
42 of the candidate.



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

4 SECTION 162. IC 3-13-2-12 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) This section
 6 applies to a political party subject to IC 3-8-4-10.

7 (b) A candidate vacancy under this chapter shall be filled by the
 8 state committee of the political party **in accordance with the state**
 9 **rules of the political party.** The chairman of the state committee shall
 10 act in accordance with section 8 of this chapter to certify the candidate
 11 selected to fill the vacancy.

12 SECTION 163. IC 3-13-5-1, AS AMENDED BY P.L.119-2005,
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2019]: Sec. 1. (a) A vacancy in a legislative office shall be
 15 filled by a caucus comprised of the precinct committeemen from the
 16 senate or house district where the vacancy exists who represent the
 17 same political party that elected or selected the person who held the
 18 vacated seat.

19 (b) Not later than thirty (30) days after the vacancy occurs (or as
 20 provided in subsections (c) and (d)), the caucus shall meet and select
 21 a person to fill the vacancy by a majority vote of those casting a vote
 22 for a candidate, including vice committeemen eligible to vote as a
 23 proxy under section 5 of this chapter.

24 (c) A state chairman may give notice of a caucus before the time
 25 specified under subsection (b) if a vacancy will exist because the
 26 official has:

27 (1) submitted a written resignation under IC 5-8-3.5 that has not
 28 yet taken effect; ~~or~~

29 (2) been elected to another office; **or**

30 **(3) submitted a notice under IC 5-9-4 to take a leave of**
 31 **absence for active duty in the armed forces or national guard.**

32 (d) If a vacancy in a legislative office exists because of the death of
 33 the legislator, the caucus shall meet and select a person to fill the
 34 vacancy not later than thirty (30) days after the state chairman receives
 35 notice of the death of the legislator from the secretary of state under
 36 IC 5-8-6.

37 (e) Notwithstanding IC 5-8-4, a person may not withdraw the
 38 person's resignation after the resignation has been accepted by the
 39 person authorized to accept the resignation less than seventy-two (72)
 40 hours before the announced starting time of the caucus under this
 41 chapter.

42 (f) The person selected must reside in the district where the vacancy



1 occurred.

2 SECTION 164. IC 3-13-5-5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as
4 provided in this section, voting by proxy is not allowed in a caucus held
5 under this chapter.

6 (b) A precinct vice committeeman is entitled to participate in a
7 caucus held under this chapter and vote as a proxy for the vice
8 committeeman's precinct committeeman if all of the following apply:

9 (1) The vice committeeman's precinct committeeman is otherwise
10 eligible to participate in the caucus under this chapter. This
11 subdivision is satisfied if the vacancy to be filled under this
12 chapter resulted from the death of an individual holding a
13 legislative office who also served as a precinct committeeman.

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

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

17 (c) The vice committeeman of an elected precinct committeeman is
18 eligible to participate in a caucus held under this chapter and vote the
19 precinct committeeman's proxy ~~regardless of when the ballot vacancy~~
20 ~~occurred~~; if the vice committeeman was the vice committeeman five
21 (5) days before the date of the caucus.

22 (d) If a vice committeeman is not eligible under subsection (c), the
23 vice committeeman is eligible to participate in a caucus held under this
24 chapter and vote the precinct committeeman's proxy only if the vice
25 committeeman was the vice committeeman thirty (30) days before the
26 ballot vacancy occurred.

27 (e) Voting shall be conducted by secret ballot, and IC 5-14-1.5-3(b)
28 does not apply to this chapter.

29 SECTION 165. IC 3-13-6-1, AS AMENDED BY P.L.245-2017,
30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2019]: Sec. 1. (a) As used in this section, "judge" refers to a
32 judge of a circuit, superior, or probate court.

33 (b) If a judge wants to resign from office, the judge must resign as
34 provided in IC 5-8-3.5.

35 (c) A vacancy that occurs because of the death of a judge may be
36 certified to the governor under IC 5-8-6.

37 (d) A vacancy that occurs, other than by resignation or death of a
38 judge, shall be certified to the governor by the circuit court clerk of the
39 county in which the judge resided.

40 (e) A vacancy in the office of judge of a circuit court shall be filled
41 by the governor as provided by Article 5, Section 18 of the Constitution
42 of the State of Indiana. However, the governor may not fill a vacancy



1 that occurs because of the death of a judge until the governor receives
2 notice of the death under IC 5-8-6.

3 (f) The person who is appointed holds the office until:

4 (1) the end of the unexpired term; or

5 (2) a successor is elected at the next general election for the
6 office, and qualified;

7 whichever occurs first.

8 (g) Except **in a year in which the office is scheduled to be placed**
9 **on the ballot, and except** as provided in this subsection, the office of
10 judge of the circuit court shall be elected at the next general election
11 following the date any vacancy occurred. If a vacancy occurs in the
12 office of judge of the circuit court after noon seventy-four (74) days
13 before a general election, the office shall be elected at the second
14 general election following the date any vacancy occurred.

15 (h) The person elected at the general election following an
16 appointment to fill the vacancy, upon being qualified, holds office for
17 the six (6) year term prescribed by Article 7, Section 7 of the
18 Constitution of the State of Indiana and until a successor is elected and
19 qualified.

20 (i) A vacancy in the office of judge of a superior or probate court
21 shall be filled by the governor subject to the following:

22 (1) IC 33-33-2-39.

23 (2) IC 33-33-2-43.

24 (3) IC 33-33-45-38.

25 (4) IC 33-33-71-40.

26 (5) IC 33-33-49-13.4.

27 However, the governor may not fill a vacancy that occurs because of
28 the death of a judge until the governor receives notice of the death
29 under IC 5-8-6. The person who is appointed holds office for the
30 remainder of the unexpired term.

31 SECTION 166. IC 3-13-9-2, AS AMENDED BY P.L.119-2005,
32 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]: Sec. 2. (a) This section applies to a vacancy in the
34 office of judge of a town court that is:

35 (1) not covered by section 1 of this chapter; or

36 (2) covered by section 1 of this chapter, but ~~existing after the~~
37 ~~thirtieth day after:~~

38 (A) the vacancy occurs, if IC 5-8-6 does not apply; or

39 (B) the town clerk-treasurer receives the notice required under
40 IC 5-8-6, **not filled by a major political party by the**
41 **applicable deadline set forth in IC 3-13-11-3.**

42 (b) A vacancy shall be filled by the town council at a regular or



1 special meeting.

2 (c) The town clerk-treasurer shall give notice of the meeting. ~~Except~~

3 ~~as provided in subsections (e) and (f);~~ The meeting shall be held

4 ~~(†) not later than thirty (30) days after:~~

5 ~~(1) the vacancy occurs if the vacancy is not covered by section 1~~

6 ~~of this chapter; or~~

7 ~~(2) not later than sixty (60) days after the vacancy occurs if the~~

8 ~~vacancy is covered by section 1 of this chapter and exists for more~~

9 ~~than thirty (30) days. **the applicable deadline for a major**~~

10 ~~**political party to fill the vacancy as set forth in IC 3-13-11-3.**~~

11 (d) The notice must:

12 (1) be in writing;

13 (2) state the purpose of the meeting;

14 (3) state the date, time, and place of the meeting; and

15 (4) be sent by first class mail to each council member at least ten

16 (10) days before the meeting.

17 (e) If a vacancy:

18 (1) is not covered by section 1 of this chapter; and

19 (2) exists because of the death of a judge;

20 the council shall meet and select an individual to fill the vacancy not

21 later than thirty (30) days after the town clerk-treasurer receives notice

22 of the death under IC 5-8-6. The town clerk-treasurer may not give the

23 notice required by subsection (c) until the town clerk-treasurer receives

24 notice of the death under IC 5-8-6.

25 (f) If a vacancy:

26 (1) is covered by section 1 of this chapter;

27 (2) exists because of the death of a judge; and

28 (3) exists for more than thirty (30) days;

29 the council shall meet and select an individual to fill the vacancy not

30 later than sixty (60) days after the town clerk-treasurer receives notice

31 of the death under IC 5-8-6. The town clerk-treasurer may not give the

32 notice required by subsection (c) until the town clerk-treasurer receives

33 notice of the death under IC 5-8-6.

34 SECTION 167. IC 3-13-9-3, AS AMENDED BY P.L.120-2015,

35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

36 JULY 1, 2019]: Sec. 3. (a) This section applies to a vacancy in the

37 office of town clerk-treasurer:

38 (1) not covered by section 1 of this chapter; or

39 (2) covered by section 1 of this chapter, but ~~existing after the~~

40 ~~thirtieth day after:~~

41 ~~(A) the vacancy occurs, if IC 5-8-6 does not apply; or~~

42 ~~(B) the president of the town council receives the notice~~



- 1 ~~required under IC 5-8-6.~~ **not filled by a major political party**
 2 **by the applicable deadline set forth in IC 3-13-11-3.**
- 3 (b) A vacancy shall be filled by the town council at a regular or
 4 special meeting.
- 5 (c) The president of the town council shall give notice of the
 6 meeting. Except as provided in subsections (e) and (f), the meeting
 7 shall be held
- 8 ~~(1)~~ not later than thirty (30) days after:
- 9 **(1) the vacancy occurs if the vacancy is not covered by section 1**
 10 **of this chapter; or**
- 11 ~~(2) not later than sixty (60) days after the vacancy occurs if the~~
 12 ~~vacancy is covered by section 1 of this chapter and exists for more~~
 13 ~~than thirty (30) days.~~ **the applicable deadline for a major**
 14 **political party to fill the vacancy as set forth in IC 3-13-11-3.**
- 15 (d) The notice must:
- 16 (1) be in writing;
- 17 (2) state the purpose of the meeting;
- 18 (3) state the date, time, and place of the meeting; and
- 19 (4) be sent by first class mail to each council member at least ten
 20 (10) days before the meeting.
- 21 (e) If a vacancy:
- 22 (1) is not covered by section 1 of this chapter; and
- 23 (2) exists because of the death of the town clerk-treasurer;
- 24 the council shall meet and select an individual to fill the vacancy not
 25 later than thirty (30) days after the president of the town council
 26 receives notice of the death under IC 5-8-6. The president of the town
 27 council may not give the notice required by subsection (c) until the
 28 president of the town council receives notice of the death under
 29 IC 5-8-6.
- 30 (f) If a vacancy:
- 31 (1) is covered by section 1 of this chapter;
- 32 (2) exists because of the death of the town clerk-treasurer; and
- 33 (3) exists for more than thirty (30) days;
- 34 the council shall meet and select an individual to fill the vacancy not
 35 later than sixty (60) days after the president of the town council
 36 receives notice of the death under IC 5-8-6. The president of the town
 37 council may not give the notice required by subsection (c) until the
 38 president of the town council receives notice of the death under
 39 IC 5-8-6.
- 40 (g) If a town council is unable to select an individual to fill a
 41 vacancy in the office by complying with this section, a member of the
 42 town council may assume the duties of the town clerk-treasurer under



1 IC 36-5-6-9.
 2 SECTION 168. IC 3-13-9-4, AS AMENDED BY P.L.119-2005,
 3 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2019]: Sec. 4. (a) This section applies to a vacancy in the town
 5 council:
 6 (1) not covered by section 1 of this chapter; or
 7 (2) covered by section 1 of this chapter, but ~~existing after the~~
 8 ~~thirtieth day after:~~
 9 (A) ~~the vacancy occurs, if IC 5-8-6 does not apply; or~~
 10 (B) ~~the town clerk-treasurer receives the notice required under~~
 11 ~~IC 5-8-6. not filled by a major political party by the~~
 12 ~~applicable deadline set forth in IC 3-13-11-3.~~
 13 (b) The vacancy shall be filled by the remaining members of the
 14 council at a regular or special meeting.
 15 (c) The town clerk-treasurer shall give notice of the meeting. Except
 16 as provided in subsections (e), (f), (g), and (h), the meeting shall be
 17 held
 18 (1) ~~not later than thirty (30) days after:~~
 19 (1) the vacancy occurs if the vacancy is not covered by section 1
 20 of this chapter; or
 21 (2) ~~not later than sixty (60) days after the vacancy occurs if the~~
 22 ~~vacancy is covered by section 1 of this chapter and exists for more~~
 23 ~~than thirty (30) days. the applicable deadline for a major~~
 24 ~~political party to fill the vacancy as set forth in IC 3-13-11-3.~~
 25 (d) The notice must:
 26 (1) be in writing;
 27 (2) state the purpose of the meeting;
 28 (3) state the date, time, and place of the meeting; and
 29 (4) be sent by first class mail to each council member at least ten
 30 (10) days before the meeting.
 31 (e) If a vacancy:
 32 (1) is not covered by subsection (f) or section 1 of this chapter;
 33 and
 34 (2) exists because a circumstance has occurred under
 35 IC 36-5-2-6.5(3);
 36 the town council shall meet and select an individual to fill the vacancy
 37 not later than thirty (30) days after the town council determines that a
 38 circumstance has occurred under IC 36-5-2-6.5(3).
 39 (f) If a vacancy:
 40 (1) is not covered by subsection (e) or section 1 of this chapter;
 41 and
 42 (2) exists because a circumstance has occurred under



1 IC 36-5-2-6.5(2);
 2 the town council shall meet and select an individual to fill the vacancy
 3 not later than thirty (30) days after the town clerk-treasurer receives
 4 notice of the death under IC 5-8-6. The town clerk-treasurer may not
 5 give the notice required by subsection (c) until the town clerk-treasurer
 6 receives notice of the death under IC 5-8-6.

7 (g) If a vacancy:
 8 (1) is covered by section 1 of this chapter and not covered by
 9 subsection (h);
 10 (2) exists because a circumstance has occurred under
 11 IC 36-5-2-6.5(3); and
 12 (3) exists for more than thirty (30) days;
 13 the council shall meet and select an individual to fill the vacancy not
 14 later than sixty (60) days after the town council determines that a
 15 circumstance has occurred under IC 36-5-2-6.5(3).

16 (h) If a vacancy:
 17 (1) is covered by section 1 of this chapter and not covered by
 18 subsection (g);
 19 (2) exists because a circumstance has occurred under
 20 IC 36-5-2-6.5(2); and
 21 (3) exists for more than thirty (30) days;
 22 the council shall meet and select an individual to fill the vacancy not
 23 later than sixty (60) days after the town clerk-treasurer receives notice
 24 of the death under IC 5-8-6. The town clerk-treasurer may not give the
 25 notice required by subsection (c) until the town clerk-treasurer receives
 26 notice of the death under IC 5-8-6.

27 SECTION 169. IC 3-13-10-2, AS AMENDED BY P.L.119-2005,
 28 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 2. (a) A vacancy in the office of township trustee:

- 30 (1) not covered by section 1 of this chapter; or
 31 (2) covered by section 1 of this chapter, but ~~that exists after the~~
 32 ~~thirtieth day after:~~
 33 (A) the vacancy occurs; if IC 5-8-6 does not apply; or
 34 (B) the county auditor receives the notice required under
 35 IC 5-8-6; **not filled by a major political party by the**
 36 **applicable deadline set forth in IC 3-13-11-3;**

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

- 39 (b) The county auditor shall give notice of the meeting.
 40 (c) ~~Except as provided in subsections (e) and (f);~~ The meeting shall
 41 be held not later than
 42 (†) thirty (30) days after:



1 (1) the vacancy occurs, if the vacancy is not covered by section 1
2 of this chapter; or
3 (2) ~~not later than sixty (60) days after the vacancy occurs, if the~~
4 ~~vacancy is covered by section 1 of this chapter and exists for more~~
5 ~~than thirty (30) days: the applicable deadline for a major~~
6 ~~political party to fill the vacancy as set forth in IC 3-13-11-3.~~
7 (d) The notice must:
8 (1) be in writing;
9 (2) state the purpose of the meeting;
10 (3) state the date, time, and place of the meeting; and
11 (4) be sent by first class mail to each commissioner at least ten
12 (10) days before the meeting.
13 (e) If the vacancy:
14 (1) is not covered by section 1 of this chapter; and
15 (2) exists because of the death of the township trustee;
16 the meeting required by subsection (c) shall be held not later than thirty
17 (30) days after the county auditor receives notice of the death under
18 IC 5-8-6. The county auditor may not give the notice required by
19 subsection (b) until the county auditor receives notice of the death
20 under IC 5-8-6.
21 (f) If the vacancy:
22 (1) is covered by section 1 of this chapter;
23 (2) exists because of the death of the township trustee; and
24 (3) exists for more than thirty (30) days;
25 the meeting required under subsection (c) shall be held not later than
26 sixty (60) days after the county auditor receives notice of the death
27 under IC 5-8-6. The county auditor may not give the notice required by
28 subsection (b) until the county auditor receives notice of the death
29 under IC 5-8-6.
30 SECTION 170. IC 3-13-10-4, AS AMENDED BY P.L.194-2013,
31 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2019]: Sec. 4. (a) A vacancy on the township board of a
33 township:
34 (1) not covered by section 1 of this chapter; or
35 (2) covered by section 1 of this chapter, but ~~that exists after the~~
36 ~~thirtieth day after:~~
37 (A) ~~the vacancy occurs, if IC 5-8-6 does not apply; or~~
38 (B) ~~the county chairman receives the notice required under~~
39 ~~IC 5-8-6; not filled by a major political party by the~~
40 ~~applicable deadline set forth in IC 3-13-11-3;~~
41 shall be filled by the board of commissioners of the county at a regular
42 or special meeting.



- 1 (b) The county auditor shall give notice of the meeting.
- 2 (c) Except as provided in subsections (e) and (f), the meeting shall
- 3 be held
- 4 ~~(+)~~ not later than thirty (30) days after:
- 5 (1) the vacancy occurs, if the vacancy is not covered by section 1
- 6 of this chapter; or
- 7 (2) ~~not later than sixty (60) days after the vacancy occurs, if the~~
- 8 ~~vacancy is covered by section 1 of this chapter and exists for more~~
- 9 ~~than thirty (30) days. the applicable deadline for a major~~
- 10 **political party to fill the vacancy as set forth in IC 3-13-11-3.**
- 11 (d) The notice must:
- 12 (1) be in writing;
- 13 (2) state the purpose of the meeting;
- 14 (3) state the date, time, and place of the meeting; and
- 15 (4) be sent by first class mail to each commissioner at least ten
- 16 (10) days before the meeting.
- 17 (e) If a vacancy:
- 18 (1) is not covered by section 1 of this chapter; and
- 19 (2) exists because of the death of a township board member;
- 20 the meeting required by subsection (c) shall be held not later than thirty
- 21 (30) days after the county auditor receives notice of the death under
- 22 IC 5-8-6. The county auditor may not give the notice required under
- 23 subsection (b) until the county auditor receives notice of the death
- 24 under IC 5-8-6.
- 25 (f) If a vacancy:
- 26 (1) is covered by section 1 of this chapter;
- 27 (2) exists because of the death of a township board member; and
- 28 (3) exists for more than thirty (30) days;
- 29 the meeting required by subsection (c) shall be held not later than sixty
- 30 (60) days after the county auditor receives notice of the death under
- 31 IC 5-8-6. The county auditor may not give the notice required by
- 32 subsection (b) until the county auditor receives notice of the death
- 33 under IC 5-8-6.
- 34 SECTION 171. IC 3-13-11-3, AS AMENDED BY P.L.74-2017,
- 35 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsections (b)
- 37 and (e) and section 3.5 of this chapter, after a vacancy occurs and not
- 38 later than ten (10) days after a vacancy occurs in an office subject to
- 39 this chapter, the county chairman:
- 40 (1) of the county in which the greatest percentage of the
- 41 population of the election district of the office is located; and
- 42 (2) of the same political party that elected or selected the official



1 who vacated the office;
2 shall give notice of a caucus to all eligible precinct committeemen.

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

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

7 (2) been elected to another office; **or**

8 **(3) submitted a notice under IC 5-9-4 to take a leave of**
9 **absence for active duty in the armed forces or national guard.**

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

14 (d) Except as provided in ~~subsection~~ **subsections** (e), (f), and
15 section 3.5 of this chapter, a caucus under this section shall be held
16 after giving notice to caucus members under section 4 of this chapter
17 and not later than thirty (30) days after the vacancy occurs.

18 (e) If a vacancy exists in an office because of the death of the
19 officeholder, the caucus shall meet and select an individual to fill the
20 vacancy not later than thirty (30) days after the county chairman
21 receives notice of the death under IC 5-8-6. The county chairman shall
22 give notice to caucus members under section 4 of this chapter. The
23 county chairman may not give the notice required by section 4 of this
24 chapter until the county chairman receives notice of the death under
25 IC 5-8-6.

26 **(f) If a person or entity that receives notice of a resignation**
27 **under IC 5-8-3.5-1(b) fails to provide timely notice of the**
28 **resignation to the person or entity with the power to fill the**
29 **vacancy or call the caucus, the person or entity with the power to**
30 **fill the vacancy or call that caucus:**

31 **(1) may immediately proceed to fill the vacancy or call the**
32 **caucus without prior receipt of the notice; and**

33 **(2) must do so not later than thirty (30) days after receiving**
34 **the notice from the person or entity that received the notice of**
35 **resignation.**

36 SECTION 172. IC 3-14-2-1, AS AMENDED BY P.L.158-2013,
37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2019]: Sec. 1. A person who knowingly does any of the
39 following commits a Level 6 felony:

40 (1) Conspires with an individual for the purpose of encouraging
41 the individual to submit a false application for registration.

42 (2) Conspires with an individual for the purpose of encouraging



- 1 the individual to vote illegally.
- 2 (3) Pays or offers to pay an individual **any property** for doing any
- 3 of the following:
- 4 (A) Applying for an absentee ballot.
- 5 (B) Casting an absentee ballot.
- 6 (C) Registering to vote.
- 7 (D) Voting.
- 8 (4) Accepts the payment of any property for doing any of the
- 9 following:
- 10 (A) Applying for an absentee ballot.
- 11 (B) Casting an absentee ballot.
- 12 (C) Registering to vote.
- 13 (D) Voting.
- 14 **(5) Pays or offers to pay an individual any property based on**
- 15 **the number of signatures obtained to place a candidate or**
- 16 **public question on a ballot. This subdivision does not prohibit**
- 17 **payment for gathering signatures not based, either directly or**
- 18 **indirectly, on the number of signatures obtained to place a**
- 19 **candidate or public question on a ballot.**
- 20 **(6) Pays or offers to pay an individual any property based on**
- 21 **the number of absentee ballot applications or voter**
- 22 **registration applications obtained by the individual. This**
- 23 **subdivision does not prohibit payment for gathering absentee**
- 24 **ballot applications or voter registration applications not**
- 25 **based, either directly or indirectly, on the number of**
- 26 **applications obtained.**
- 27 SECTION 173. IC 5-6-1-2 IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Subsection (b)
- 29 does not apply to the deputy of a circuit court clerk **or a deputy**
- 30 **described in IC 5-4-1-1(c).**
- 31 (b) Deputies shall take the oath required of their principals.
- 32 (c) A deputy may perform all the official duties of the deputy's
- 33 principal, being subject to the same regulations and penalties.
- 34 SECTION 174. IC 5-8-6-3, AS ADDED BY P.L.119-2005,
- 35 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2019]: Sec. 3. (a) A person who knows of the death of an
- 37 officeholder may certify the death to the following:
- 38 (1) The governor, in the case of the death of any of the following:
- 39 (A) An individual who holds a state office (as defined in
- 40 IC 3-5-2-48).
- 41 (B) An individual who is a judge of a circuit, superior, **small**
- 42 **claims, probate, county, or city court.**



- 1 (2) The secretary of state, in the case of the death of an individual
 2 who holds a legislative office (as defined in IC-3-5-2-28).
 3 (3) The **prosecuting attorney and** circuit court clerk of the
 4 county in which the officeholder resided, in the case of the death
 5 of an officeholder of a county, city, town, township, or school
 6 corporation not covered under subdivision (1).
 7 (b) A person who certifies the death of an officeholder shall:
 8 (1) state the information that causes the person to believe the
 9 officeholder has died; and
 10 (2) certify, under the penalties for perjury, that to the best of the
 11 person's knowledge and belief, the information stated is true.
 12 SECTION 175. IC 7.1-3-20-16.1, AS AMENDED BY P.L.2-2007,
 13 SECTION 131, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2019]: Sec. 16.1. (a) This section applies to a
 15 municipal riverfront development project authorized under section
 16 16(d) of this chapter.
 17 (b) In order to qualify for a permit, an applicant must demonstrate
 18 that the municipal riverfront development project area where the permit
 19 is to be located meets the following criteria:
 20 (1) The project boundaries must border on at least one (1) side of
 21 a river.
 22 (2) The proposed permit premises may not be located more than:
 23 (A) one thousand five hundred (1,500) feet; or
 24 (B) three (3) city blocks;
 25 from the river, whichever is greater. However, if the area adjacent
 26 to the river is incapable of being developed because the area is in
 27 a floodplain, or for any other reason that prevents the area from
 28 being developed, the distances described in clauses (A) and (B)
 29 are measured from the city blocks located nearest to the river that
 30 are capable of being developed.
 31 (3) The permit premises are located within:
 32 (A) an economic development area, a redevelopment project
 33 area, an urban renewal area, or a redevelopment area
 34 established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;
 35 (B) an economic development project district under
 36 IC 36-7-15.2 or IC 36-7-26; or
 37 (C) a community revitalization enhancement district
 38 designated under IC 36-7-13-12.1.
 39 (4) The project must be funded in part with state and city money.
 40 (5) The boundaries of the municipal riverfront development
 41 project must be designated by ordinance or resolution by the
 42 legislative body (as defined in ~~IC 36-1-2-9(3)~~ **IC 36-1-2-9(2)**) or



- 1 ~~IC 36-1-2-9(4))~~ **IC 36-1-2-9(3))** of the city in which the project
- 2 is located.
- 3 (c) Proof of compliance with subsection (b) must consist of the
- 4 following documentation, which is required at the time the permit
- 5 application is filed with the commission:
- 6 (1) A detailed map showing:
- 7 (A) definite boundaries of the entire municipal riverfront
- 8 development project; and
- 9 (B) the location of the proposed permit within the project.
- 10 (2) A copy of the local ordinance or resolution of the local
- 11 governing body authorizing the municipal riverfront development
- 12 project.
- 13 (3) Detailed information concerning the expenditures of state and
- 14 city funds on the municipal riverfront development project.
- 15 (d) Notwithstanding subsection (b), the commission may issue a
- 16 permit for premises, the location of which does not meet the criteria of
- 17 subsection (b)(2), if all the following requirements are met:
- 18 (1) All other requirements of this section and section 16(d) of this
- 19 chapter are satisfied.
- 20 (2) The proposed premises is located not more than:
- 21 (A) three thousand (3,000) feet; or
- 22 (B) six (6) blocks;
- 23 from the river, whichever is greater. However, if the area adjacent
- 24 to the river is incapable of being developed because the area is in
- 25 a floodplain, or for any other reason that prevents the area from
- 26 being developed, the distances described in clauses (A) and (B)
- 27 are measured from the city blocks located nearest to the river that
- 28 are capable of being developed.
- 29 (3) The permit applicant satisfies the criteria established by the
- 30 commission by rule adopted under IC 4-22-2. The criteria
- 31 established by the commission may require that the proposed
- 32 premises be located in an area or district set forth in subsection
- 33 (b)(3).
- 34 (4) The permit premises may not be located less than two hundred
- 35 (200) feet from facilities owned by a state educational institution.
- 36 (e) A permit may not be issued if the proposed permit premises is
- 37 the location of an existing three-way permit subject to IC 7.1-3-22-3.
- 38 SECTION 176. IC 11-8-2-5, AS AMENDED BY P.L.130-2018,
- 39 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2019]: Sec. 5. (a) The commissioner shall do the following:
- 41 (1) Organize the department and employ personnel necessary to
- 42 discharge the duties and powers of the department.



- 1 (2) Administer and supervise the department, including all state
2 owned or operated correctional facilities.
- 3 (3) Except for employees of the parole board, be the appointing
4 authority for all positions in the department.
- 5 (4) Define the duties of a deputy commissioner and a warden.
- 6 (5) Accept committed persons for study, evaluation,
7 classification, custody, care, training, and reintegration.
- 8 (6) Determine the capacity of all state owned or operated
9 correctional facilities and programs and keep all Indiana courts
10 having criminal or juvenile jurisdiction informed, on a quarterly
11 basis, of the populations of those facilities and programs.
- 12 (7) Utilize state owned or operated correctional facilities and
13 programs to accomplish the purposes of the department and
14 acquire or establish, according to law, additional facilities and
15 programs whenever necessary to accomplish those purposes.
- 16 (8) Develop policies, programs, and services for committed
17 persons, for administration of facilities, and for conduct of
18 employees of the department.
- 19 (9) Administer, according to law, the money or other property of
20 the department and the money or other property retained by the
21 department for committed persons.
- 22 (10) Keep an accurate and complete record of all department
23 proceedings, which includes the responsibility for the custody and
24 preservation of all papers and documents of the department.
- 25 (11) Make an annual report to the governor according to
26 subsection (c).
- 27 (12) Develop, collect, and maintain information concerning
28 offenders, sentencing practices, and correctional treatment as the
29 commissioner considers useful in penological research or in
30 developing programs.
- 31 (13) Cooperate with and encourage public and private agencies
32 and other persons in the development and improvement of
33 correctional facilities, programs, and services.
- 34 (14) Explain correctional programs and services to the public.
- 35 (15) As required under ~~42 U.S.C. 15483~~, after January 1, 2006, **52**
36 **U.S.C. 21083**, provide information to the election division to
37 coordinate the computerized list of voters maintained under
38 IC 3-7-26.3 with department records concerning individuals
39 disfranchised under IC 3-7-46.
- 40 (16) Make an annual report to the legislative council in an
41 electronic format under IC 5-14-6 before September 1 of each
42 year.



- 1 (b) The commissioner may:
- 2 (1) when authorized by law, adopt departmental rules under
- 3 IC 4-22-2;
- 4 (2) delegate powers and duties conferred on the commissioner by
- 5 law to a deputy commissioner or commissioners and other
- 6 employees of the department;
- 7 (3) issue warrants for the return of escaped committed persons (an
- 8 employee of the department or any person authorized to execute
- 9 warrants may execute a warrant issued for the return of an
- 10 escaped person);
- 11 (4) appoint personnel to be sworn in as correctional police
- 12 officers; and
- 13 (5) exercise any other power reasonably necessary in discharging
- 14 the commissioner's duties and powers.

15 (c) The annual report of the department shall be transmitted to the
 16 governor by September 1 of each year and must contain:

- 17 (1) a description of the operation of the department for the fiscal
- 18 year ending June 30;
- 19 (2) a description of the facilities and programs of the department;
- 20 (3) an evaluation of the adequacy and effectiveness of those
- 21 facilities and programs considering the number and needs of
- 22 committed persons or other persons receiving services; and
- 23 (4) any other information required by law.

24 Recommendations for alteration, expansion, or discontinuance of
 25 facilities or programs, for funding, or for statutory changes may be
 26 included in the annual report.

27 SECTION 177. IC 13-11-2-74, AS AMENDED BY P.L.77-2014,
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 74. "Executive" means the **following**:

- 30 (1) **The** board of commissioners of a county that
- 31 ~~(A)~~ does not have a consolidated city. ~~and~~
- 32 ~~(B)~~ is not subject to IC 36-2-2.5;
- 33 ~~(2)~~ single county executive elected under IC 3-10-2-13; for a
- 34 county that:
- 35 ~~(A)~~ does not have a consolidated city; and
- 36 ~~(B)~~ is subject to IC 36-2-2.5;
- 37 ~~(3)~~ **(2)** The mayor of the consolidated city, for a county having a
- 38 consolidated city.
- 39 ~~(4)~~ **(3)** The mayor of a city. ~~or~~
- 40 ~~(5)~~ **(4)** The president of the town council of a town.

41 SECTION 178. IC 20-23-6-5, AS AMENDED BY P.L.169-2017,
 42 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 5. (a) If a petition is filed in one (1) or more of the
 2 school corporations protesting consolidation as provided in this chapter
 3 by the legal voters of any school corporation the governing body of
 4 which proposes to consolidate, the governing body in each school
 5 corporation in which a protest petition is filed shall certify the public
 6 question to each county election board of the county in which the
 7 school corporation is located. The county election board shall call an
 8 election of the voters of the school corporation to determine if a
 9 majority of the legal voters of the corporation is in favor of
 10 consolidating the school corporations.

11 (b) If a protest is filed in more than one (1) school corporation, the
 12 elections shall be held on the same day. Each county election board
 13 shall give notice by publication once each week for two (2) consecutive
 14 weeks in a newspaper of general circulation in the school corporation.
 15 If a newspaper is not published in the:

- 16 (1) township;
 17 (2) town; or
 18 (3) city;

19 the notice shall be published in the nearest newspaper published in the
 20 county or counties, that on a day and at an hour to be named in the
 21 notice, the polls will be open at the usual voting places in the various
 22 precincts in the corporation for taking the vote of the legal voters upon
 23 whether the school corporation shall be consolidated with the other
 24 school corporations joining in the resolution.

25 (c) The public question shall be placed on the ballot in the form
 26 provided by IC 3-10-9-4 and must state: "Shall (insert name of school
 27 corporation) be consolidated with (insert names of other school
 28 corporations)?".

29 (d) Notice shall be given not later than thirty (30) days after the
 30 petition is filed. The election shall be held not less than ten (10) days
 31 or more than twenty (20) days after the last publication of the notice.

32 (e) The governing body of each school corporation in which an
 33 election is held is bound by the majority vote of those voting. However,
 34 if the election falls within a period of not more than six (6) months
 35 before a primary or general election, the election shall be held
 36 concurrently with the primary or general election **if the public**
 37 **question is certified to the county election board not later than the**
 38 **deadline set forth in IC 3-10-9-3.**

39 (f) If a majority of those voting in any one (1) school corporation
 40 votes against the plan of consolidation, the plan fails. However, the
 41 failure does not prevent any or all the school corporations from taking
 42 further initial action for the consolidation of school corporations under



1 this chapter.

2 SECTION 179. IC 20-23-8-8.5, AS ADDED BY P.L.271-2013,
3 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 8.5. (a) ~~Not later than December 31, 2013~~; The
5 governing body shall do the following:

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

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

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

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

24 (1) A copy of the amendment.

25 (2) Either of the following:

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

29 (B) If the plan amendment requires reestablishment of the
30 school corporation's election districts to comply with section
31 8 of this chapter, a map of the new district boundaries.

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

35 (e) If a conflict exists between:

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

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

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

42 SECTION 180. IC 20-23-12-9, AS AMENDED BY P.L.74-2017,



1 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 9. The members are elected as follows:

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

6 (2) Three (3) of the members elected under section 3(b) of this
7 chapter are elected at the general election to be held in ~~2018~~ **2022**
8 and every four (4) years thereafter.

9 (3) The at-large member elected under section 3(c) of this chapter
10 is elected at the general election to be held in 2020 and every four
11 (4) years thereafter.

12 SECTION 181. IC 20-23-14-9, AS AMENDED BY P.L.74-2017,
13 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2019]: Sec. 9. The members are elected as follows:

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

17 (2) Two (2) of the members are elected at the general election to
18 be held in ~~2018~~ **2022** and every four (4) years thereafter.

19 SECTION 182. IC 20-23-17.2-3.1, AS AMENDED BY
20 P.L.74-2017, SECTION 73, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2019]: Sec. 3.1. (a) The governing body of the
22 school corporation consists of five (5) members, elected as provided in
23 this chapter.

24 (b) Three (3) members shall be elected as follows:

25 (1) From districts established as provided in section 4.1 of this
26 chapter.

27 (2) On a nonpartisan basis.

28 (3) At the general election held in the county in ~~2018~~ **2022** and
29 every four (4) years thereafter.

30 (c) Two (2) members shall be elected as follows:

31 (1) At large by all the voters of the school corporation.

32 (2) On a nonpartisan basis.

33 (3) At the general election held in the county in ~~2016~~ **2020** and
34 every four (4) years thereafter.

35 (d) The term of office of a member of the governing body:

36 (1) is four (4) years; and

37 (2) begins January 1 after the election of members of the
38 governing body.

39 (e) Upon assuming office and in conducting the business of the
40 governing body, a member shall represent the interests of the entire
41 school corporation.

42 SECTION 183. IC 20-24-2.3-2, AS AMENDED BY P.L.77-2014,

SB 560—LS 7331/DI 75



1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 2. As used in this chapter, "executive" has the
3 meaning set forth in ~~IC 36-1-2-5(3)~~: **IC 36-1-2-5(2)**.

4 SECTION 184. IC 20-46-1-14, AS AMENDED BY P.L.85-2017,
5 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 14. (a) The referendum shall be held in the
7 next primary election, general election, or municipal election in which
8 all the registered voters who are residents of the appellant school
9 corporation are entitled to vote after certification of the question under
10 IC 3-10-9-3. The certification of the question must occur not later than
11 noon:

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

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

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

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

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

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

33 SECTION 185. IC 33-35-1-1, AS AMENDED BY P.L.161-2018,
34 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2019]: Sec. 1. (a) During ~~2018~~ **2022** and every fourth year
36 after that, a second or third class city or a town may by ordinance
37 establish or abolish a city or town court. An ordinance to establish a
38 city or town court must be adopted not less than one (1) year before the
39 judge's term would begin under section 3 of this chapter.

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



1 (c) A court established under subsection (a) comes into existence on
 2 January 1 of the year following the year in which a judge is elected to
 3 serve in that court.

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

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

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

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

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

12 SECTION 186. IC 35-52-36-1.5 IS REPEALED [EFFECTIVE
 13 JULY 1, 2019]. ~~Sec. 1.5. IC 36-2-2.5-1.5 defines a crime concerning~~
 14 ~~single county executives.~~

15 SECTION 187. IC 36-1-2-5, AS AMENDED BY P.L.77-2014,
 16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 5. "Executive" means the **following:**

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

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

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

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

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

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

25 (3) ~~(2) The mayor of the consolidated city, for a county having a~~
 26 ~~consolidated city.~~

27 (4) ~~(3) The mayor, for a city.~~

28 (5) ~~(4) The president of the town council, for a town.~~

29 (6) ~~(5) The trustee, for a township.~~

30 (7) ~~(6) The superintendent, for a school corporation. or~~

31 (8) ~~(7) The chief executive officer, for any other political~~
 32 ~~subdivision.~~

33 SECTION 188. IC 36-1-2-9, AS AMENDED BY P.L.77-2014,
 34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2019]: Sec. 9. "Legislative body" means the **following:**

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

38 (2) **county council, for a county subject to IC 36-2-2.5 or**
 39 **IC 36-2-3.5;**

40 (3) **(2) The city-county council, for a consolidated city or county**
 41 **having a consolidated city.**

42 (4) **(3) The common council, for a city other than a consolidated**



1 city.

2 ~~(5)~~ **(4)** The town council, for a town.

3 ~~(6)~~ **(5)** The township board, for a township.

4 ~~(7)~~ **(6)** The governing body of any other political subdivision that

5 has a governing body. **or**

6 ~~(8)~~ **(7)** The chief executive officer of any other political

7 subdivision that does not have a governing body.

8 SECTION 189. IC 36-1-2-24, AS AMENDED BY P.L.77-2014,

9 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

10 JULY 1, 2019]: Sec. 24. "Works board" means the **following**:

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

12 ~~(A)~~ not having a consolidated city. **and**

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

14 ~~(2)~~ **single county executive for a county:**

15 ~~(A)~~ **not having a consolidated city; and**

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

17 ~~(3)~~ **(2)** The board of public works or board of public works and

18 safety, for a city. **or**

19 ~~(4)~~ **(3)** The town council, for a town.

20 SECTION 190. IC 36-1-3-6, AS AMENDED BY P.L.77-2014,

21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

22 JULY 1, 2019]: Sec. 6. (a) If there is a constitutional or statutory

23 provision requiring a specific manner for exercising a power, a unit

24 wanting to exercise the power must do so in that manner.

25 (b) If there is no constitutional or statutory provision requiring a

26 specific manner for exercising a power, a unit wanting to exercise the

27 power must either:

28 (1) if the unit is a county or municipality, adopt an ordinance

29 prescribing a specific manner for exercising the power;

30 (2) if the unit is a township, adopt a resolution prescribing a

31 specific manner for exercising the power; or

32 (3) comply with a statutory provision permitting a specific manner

33 for exercising the power.

34 (c) An ordinance under subsection (b)(1) must be adopted as

35 follows:

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

37 (2) In a county subject to ~~IC 36-2-2.5; IC 36-2-3.5; or~~ IC 36-3-1,

38 by the legislative body of the county.

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

40 (d) A resolution under subsection (b)(2) must be adopted by the

41 legislative body of the township.

42 SECTION 191. IC 36-2-2-1, AS AMENDED BY P.L.77-2014,



1 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 1. Except as specifically provided, this chapter
3 does not apply to the following:

4 (1) a county having a consolidated city.

5 (2) A county in which a single county executive has been elected
6 and is serving under IC 36-2-2.5.

7 SECTION 192. IC 36-2-2.4 IS REPEALED [EFFECTIVE JULY 1,
8 2019]. (Determination of County Government Structure).

9 SECTION 193. IC 36-2-2.5 IS REPEALED [EFFECTIVE JULY 1,
10 2019]. (Single County Executive).

11 SECTION 194. IC 36-2-2.7 IS REPEALED [EFFECTIVE JULY 1,
12 2019]. (Reversion to Previous County Government Structure).

13 SECTION 195. IC 36-2-3-4, AS AMENDED BY P.L.77-2014,
14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 4. (a) This subsection does not apply to a county
16 having a population of:

17 (1) more than four hundred thousand (400,000) but less than
18 seven hundred thousand (700,000); or

19 (2) more than two hundred fifty thousand (250,000) but less than
20 two hundred seventy thousand (270,000).

21 ~~Except as provided in section 4.1 of this chapter,~~ The county executive
22 shall, by ordinance, divide the county into four (4) contiguous,
23 single-member districts that comply with subsection (d). If necessary,
24 the county auditor shall call a special meeting of the executive to
25 establish or revise districts. One (1) member of the fiscal body shall be
26 elected by the voters of each of the four (4) districts. Three (3) at-large
27 members of the fiscal body shall be elected by the voters of the whole
28 county.

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

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



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



1 invalid provision or application. The provisions of the ordinance are
 2 severable.

3 (j) If a conflict exists between:

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

5 (2) a description of the boundaries of that district set forth in the
 6 ordinance;

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

10 SECTION 196. IC 36-2-3-4.1 IS REPEALED [EFFECTIVE JULY
 11 1, 2019]. Sec. 4.1. (a) This section applies only to a county:

12 (1) that has a population of more than three hundred thousand
 13 (300,000) but less than four hundred thousand (400,000); and

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

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

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

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

26 (2) not cross precinct boundary lines;

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

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

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

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

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

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

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

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

42 SECTION 197. IC 36-2-3.7 IS REPEALED [EFFECTIVE JULY 1,



1 2019]. (County Council as the County Legislative Body).

2 SECTION 198. IC 36-2-4-8, AS AMENDED BY P.L.77-2014,
3 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 8. (a) An ordinance, order, or resolution is
5 considered adopted when it is signed by the presiding officer. If
6 required, an adopted ordinance, order, or resolution must be
7 promulgated or published according to statute before it takes effect.

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

14 (1) the county executive proclaims the urgent necessity; and

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

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

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

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

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

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

34 (2) (1) Subject to subsection (g), the legislative body of a county
35 shall:

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

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



- 1 ordinance.
- 2 ~~(3)~~ **(2)** Upon written request by the legislative body, the
- 3 department of environmental management may waive the notice
- 4 requirement of subdivision ~~(2)(A)~~: **(1)(A)**.
- 5 ~~(4)~~ **(3)** An environmental restrictive ordinance passed or amended
- 6 after 2009 by the legislative body must state the notice
- 7 requirements of subdivision ~~(2)~~: **(1)**.
- 8 ~~(5)~~ **(4)** The failure of an environmental restrictive ordinance to
- 9 comply with subdivision ~~(4)~~ **(3)** does not void the ordinance.
- 10 ~~(d)~~ **(d)** After an ordinance or resolution passed by the legislative body
- 11 of a county subject to IC 36-2-2.5 or IC 36-2-3.5 has been signed by the
- 12 presiding officer, the county auditor shall present it to the county
- 13 executive, and record the time of the presentation. Within ten ~~(10)~~ days
- 14 after an ordinance or resolution is presented to it, the executive shall:
- 15 ~~(1)~~ **(1)** approve the ordinance or resolution, by signature of a majority
- 16 of the executive (in the case of a county subject to IC 36-2-3.5) or
- 17 by signature of the single county executive (in the case of a
- 18 county subject to IC 36-2-2.5); and send the legislative body a
- 19 message announcing its approval; or
- 20 ~~(2)~~ **(2)** veto the ordinance or resolution, by returning it to the
- 21 legislative body with a message announcing its veto and stating
- 22 its reasons for the veto.
- 23 ~~(e)~~ **(d)** This section (other than subsection ~~(e)(2)~~ **(c)(1)**) does not
- 24 apply to a zoning ordinance or amendment to a zoning ordinance, or a
- 25 resolution approving a comprehensive plan, that is adopted under
- 26 IC 36-7.
- 27 ~~(f)~~ **(e)** An ordinance increasing a building permit fee on new
- 28 development must:
- 29 **(1)** be published:
- 30 **(A)** one **(1)** time in accordance with IC 5-3-1; and
- 31 **(B)** not later than thirty **(30)** days after the ordinance is
- 32 adopted by the legislative body in accordance with IC 5-3-1;
- 33 and
- 34 **(2)** delay the implementation of the fee increase for ninety **(90)**
- 35 days after the date the ordinance is published under subdivision
- 36 **(1)**.
- 37 ~~(g)~~ **(g)** The notice requirements of subsection ~~(e)(2)~~ **(c)(1)** apply only
- 38 if the municipal corporation received under IC 13-25-5-8.5(f) written
- 39 notice that the department is relying on the environmental restrictive
- 40 ordinance referred to in subsection ~~(e)(2)~~ **(c)(1)** as part of a risk based
- 41 remediation proposal:
- 42 **(1)** approved by the department; and



- 1 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or
 2 IC 13-25-5.
- 3 SECTION 199. IC 36-5-1-20, AS AMENDED BY P.L.77-2014,
 4 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 20. (a) This section does not apply to a town
 6 described by IC 36-5-1-11.5.
- 7 (b) A town subject to this chapter may be dissolved if the county
 8 election board of the county in which the greatest percentage of
 9 population of the town is located conducts a public hearing and finds
 10 that the town has not elected town officers or had a functioning town
 11 government during the preceding ten (10) years.
- 12 (c) The county election board shall certify the board's findings to the
 13 county executive, who may adopt an ordinance. ~~or (in a county subject~~
 14 ~~to IC 36-2-2.5 or IC 36-2-3.5) issue an order to dissolve the town.~~
- 15 SECTION 200. IC 36-6-6-2, AS AMENDED BY P.L.266-2013,
 16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 2. (a) Except as provided in subsection (b) and
 18 section 2.1 of this chapter, a three (3) member township board shall be
 19 elected under IC 3-10-2-13 by the voters of each township.
- 20 (b) The township board in a county containing a consolidated city
 21 shall consist of ~~the following:~~
- 22 ~~(1) Before January 1, 2017, seven (7) members elected under~~
 23 ~~IC 3-10-2-13 by the voters of each township.~~
- 24 ~~(2) After December 31, 2016, five (5) members elected under~~
 25 ~~IC 3-10-2-13 by the voters of each township.~~
- 26 (c) The township board is the township legislative body.
- 27 (d) The term of office of a township board member is four (4) years,
 28 beginning January 1 after election and continuing until a successor is
 29 elected and qualified.
- 30 SECTION 201. IC 36-6-6-2.3, AS ADDED BY P.L.10-2018,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 2.3. (a) This section does not apply to a township
 33 board in a county containing a consolidated city.
- 34 (b) During the year preceding a general election for the members of
 35 the township board conducted under section 2 of this chapter, a
 36 township board may adopt a resolution under this section to provide for
 37 the staggering of the terms of its members.
- 38 (c) The resolution described in subsection (b) must provide all the
 39 following:
- 40 (1) That, notwithstanding section 2 of this chapter, the terms of
 41 the board members elected at the next general election must be as
 42 follows:



- 1 (A) The candidate who receives the greatest number of votes
- 2 among all the candidates at the election shall serve a four (4)
- 3 year term, beginning on January 1 after the next general
- 4 election.
- 5 (B) The candidate who receives the second greatest number of
- 6 votes among all the candidates at the election shall serve a two
- 7 (2) year term, beginning on January 1 after the next general
- 8 election.
- 9 (C) The candidate who receives the third greatest number of
- 10 votes among all the candidates at the election shall serve a two
- 11 (2) year term, beginning on January 1 after the next general
- 12 election.
- 13 (2) That the term of office of each board member elected after the
- 14 first election after adoption of the resolution is four (4) years,
- 15 beginning January 1 after each board member's general election.
- 16 (d) If a township board adopts a resolution under this section,
- 17 election of the board members must occur at the elections as provided
- 18 in the resolution.
- 19 (e) If a vacancy occurs in one (1) or more of the offices elected
- 20 under subsection (c); because there are fewer candidates are elected
- 21 than the number of board members to be elected, the vacancy is filled:
- 22 (1) by a caucus as provided under IC 3-13-10-1, if the office was
- 23 last held by a person elected or selected as a candidate of a major
- 24 political party; or
- 25 (2) by the board of commissioners of the county under
- 26 IC 3-13-10-4, if the office was last held by a person elected or
- 27 selected as a candidate of other than a major political party.
- 28 If there is more than one (1) vacancy to be filled; the authority filling
- 29 the vacancy determines the length of the term in accordance with
- 30 subsection (c) for a person selected to fill a vacancy under this
- 31 subsection: **incumbent board member or members that hold office**
- 32 **under Article 15, Section 3 of the Constitution of the State of**
- 33 **Indiana shall be determined under IC 3-13-10-6.5 by the county**
- 34 **executive. The county executive shall determine the length of the**
- 35 **term of each incumbent board member if more than one (1)**
- 36 **incumbent board member continues to hold office under Article 15,**
- 37 **Section 3 of the Constitution of the State of Indiana. The county**
- 38 **executive shall consider any applicable language in the resolution**
- 39 **adopted by the township in making this determination.**
- 40 (f) If a tie occurs among the candidates for an office elected under
- 41 subsection (c), the tie is resolved under IC 3-12-9-4. The authority
- 42 resolving the tie determines the length of the term in accordance with



1 subsection (c) for a person selected to fill an office under this
2 subsection.

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

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

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

9 (3) The resolution must provide for the election of all members of
10 the township board at the next general election. Notwithstanding
11 subsection (c)(2) and section 2 of this chapter, the term of all the
12 members of the township board ends January 1 after the next
13 general election.

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

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

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

22 (2) takes effect when the ordinance is filed with the circuit court
23 clerk.

24 SECTION 202. IC 36-9-13-2, AS AMENDED BY P.L.233-2015,
25 SECTION 340, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2019]: Sec. 2. For purposes of this chapter, the
27 following are considered the governing bodies of their respective
28 eligible entities:

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

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

33 ~~(3) (2) City-county council, for a consolidated city or county~~
34 ~~having a consolidated city.~~

35 ~~(4) (3) Common council, for a city other than a consolidated city.~~

36 ~~(5) (4) Town council, for a town.~~

37 ~~(6) (5) Trustee and township board, for a civil township.~~

38 ~~(7) (6) Board of school trustees, board of school commissioners,~~
39 ~~or school board, for a school corporation.~~

40 ~~(8) (7) Board of trustees, for a health and hospital corporation.~~

41 SECTION 203. IC 36-9-27-5, AS AMENDED BY P.L.77-2014,
42 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 5. (a) Except in a county having a consolidated
 2 city or as provided in subsection (d), the drainage board consists of
 3 either:

4 (1) the county executive; or

5 (2) three (3) or five (5) persons, at least one (1) of whom must be
 6 a member of the executive, appointed by the executive;

7 at the option of the executive. Appointees under subdivision (2) must
 8 be resident freeholders of the county who are knowledgeable in
 9 drainage matters. Freeholders appointed to the board serve for terms of
 10 three (3) years, with their initial appointments made so as to provide for
 11 staggering of terms on an annual basis. In addition, the county surveyor
 12 serves on the board as an ex officio, nonvoting member.

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

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

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

21 (1) The drainage board consists of:

22 (A) the single county executive; and

23 (B) two (2) or four (4) persons (as determined by the single
 24 county executive) who are appointed by the single county
 25 executive:

26 (2) Appointees under subdivision (1)(B) must be resident
 27 freeholders of the county who are knowledgeable in drainage
 28 matters:

29 (3) The freeholders appointed to the drainage board serve for
 30 terms of three (3) years; with the freeholders' initial appointments
 31 made so as to provide for staggering of terms on an annual basis:

32 (4) The county surveyor serves on the drainage board as an ex
 33 officio, nonvoting member:

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

39 SECTION 204. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 560, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 8. IC 3-6-5-35, AS ADDED BY P.L.230-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 35. (a) An individual who knowingly, recklessly, or negligently fails to perform a duty as a precinct election officer required by this title is subject to a civil penalty under this section in addition to any other penalty imposed.

(b) If the county election board determines, by unanimous vote of the entire membership of the board, that an individual serving as a precinct election officer has failed to perform a duty required by this title, the board:

(1) may remove a precinct election officer; and

(2) if the officer is removed, shall assess the individual a civil penalty of not more than five hundred dollars (\$500).

(c) A civil penalty assessed under this section may be deducted from any compensation that the individual may otherwise be entitled to under IC 3-6-6."

Page 8, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 15. IC 3-7-40-6, AS AMENDED BY P.L.64-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. When notified by:

(1) the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter;

(2) the United States Postal Service of a conversion from rural route addresses to numbered addresses;

~~(2)~~ **(3)** the United States Postal Service that mail delivery to postal boxes located in a United States Postal Service facility will be discontinued and replaced by residential delivery; or

~~(3)~~ **(4)** a local public official (or plan commission) under section 3 of this chapter of:

(A) the naming or renaming of streets;

(B) the numbering or renumbering of lots or structures; or

(C) the conversion of rural route addresses to numbered addresses;

the county voter registration office shall, as soon as practicable, amend the entry for the voter in the computerized list under IC 3-7-26.3.

SB 560—LS 7331/DI 75



SECTION 16. IC 3-8-1-2, AS AMENDED BY P.L.74-2017, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) This section does not apply to a candidate challenged under IC 3-8-8.

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

- (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- (2) A request for ballot placement in a presidential primary under IC 3-8-3.
- (3) A petition of nomination or candidate's consent to nomination under IC 3-8-2.5 or IC 3-8-6.
- (4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.
- (5) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
- (6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.
- (7) A contest to the denial of certification under IC 3-8-2.5 or IC 3-8-6-12.

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

(d) Except as provided in subsection (f), before the commission or election board acts under this section, a registered voter of the election district that a candidate seeks to represent or a county chairman of a major political party of a county in which any part of the election district is located must file a sworn statement **before a person authorized to administer oaths**, with the election division or election board:

- (1) questioning the eligibility of the candidate to seek the office; and
 - (2) setting forth the facts known to the voter or county chairman of a major political party of a county concerning this question.
- (e) The eligibility of a write-in candidate or a candidate nominated



by a convention, petition, or primary may not be challenged under this section if the commission or board determines that all of the following occurred:

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

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

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

(g) Upon the filing of a sworn statement under subsection (d) or (f), the commission or election board shall determine the validity of the questioned:

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

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

Page 10, line 19, delete "campaign finance enforcement account established" and insert "**voting system technical oversight program account established by IC 3-11-17-6.**".

Page 10, delete line 20.

Page 10, between lines 34 and 35, begin a new paragraph and insert:
"SECTION 22. IC 3-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) This section applies to a political party whose nominee received at least two percent (2%) but less than ten percent (10%) of the votes cast for secretary of



state at the last election for that office.

(b) A political party subject to this section shall also nominate the party's candidates for the following offices at the state convention of the party:

- (1) United States Senator.
- (2) United States Representative.
- (3) Governor.
- (4) Legislative office.
- (5) A local office listed in IC 3-8-2-5.

(c) A question concerning the validity of a candidate's nomination under this section for a federal office or a local office listed in IC 3-8-2-5 shall be determined by the commission in accordance with IC 3-13-1-16.5(a)."

Page 11, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 25. IC 3-8-5-10.5, AS AMENDED BY P.L.74-2017, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

- (1) not earlier than the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4; and
- (2) not later than:
 - (A) noon August 1 before a municipal election if the town nominates its candidates by convention; and
 - (B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.

(c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.

(d) The declaration of each candidate required by this section must certify the following information:

- (1) The candidate's name, printed or typewritten as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward, if applicable, and town), county, and state.
- (3) The candidate's complete residence address and the



candidate's mailing address if the mailing address is different from the residence address.

(4) The **majority party** candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if one (1) of the following applies:

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

(B) The county chairman of:

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

(ii) the county in which the candidate resides;

certifies in writing that the candidate is a member of the political party.

The declaration of candidacy must inform a candidate how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy whether clause (A) or (B) applies to the candidate. If a candidate claims party affiliation under clause (B), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (B).

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

(6) That the candidate has attached either of the following to the declaration:

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

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

(7) That the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office.

(8) That the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service



in an elected office.

(9) That the candidate:

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

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

(10) A statement indicating whether or not the candidate:

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

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

(11) The candidate's signature.

(e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:

(1) noon August 1 before the municipal election if the town nominates its candidates by convention; and

(2) the date that a declaration of candidacy may be withdrawn



under IC 3-8-2-20 if the town nominates its candidates in a primary election.

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

SECTION 26. IC 3-8-5-14.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) A town election board or circuit court clerk conducting a municipal election under IC 3-10-7 may not include the name of a candidate nominated by a town convention on the municipal election ballot if the person files a notice to withdraw with the ~~board or~~ clerk. **The circuit court clerk shall notify the town election board of any candidate withdrawal filed under this subsection not later than the deadline for the clerk to file a copy of the certification of nomination under section 13(e) of this chapter.**

(b) The notice to withdraw must:

- (1) be signed and acknowledged before an officer authorized to take acknowledgments of deeds;
- (2) have the certificate of acknowledgment appended to the notice; and
- (3) be filed with the ~~board or~~ clerk no later than noon three (3) days following the adjournment of the convention.

SECTION 27. IC 3-8-5-14.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. (a) All questions regarding the validity of:

- (1) a declaration of candidacy;
- (2) a petition of nomination; or
- (3) a certificate of nomination of a candidate by a town convention;

subject to this chapter shall be filed under IC 3-8-1-2, **with the county election board of the county where the declaration of candidacy was filed**, not later than noon seven (7) days after the final date for filing a certificate under section 13(d) of this chapter. The question shall be referred to and determined by the town election board (or by



the appropriate county election board if a county election board is conducting the election for the town).

(b) The election board shall rule on the validity of any document described in subsection (a) not later than noon seven (7) days following the deadline for filing of the document required by subsection (a).

(c) A question regarding the validity of a declaration to be a write-in candidate for election to a town office must be filed under IC 3-8-1-2 not later than the date and time specified by IC 3-8-2-14(c), and shall be determined by the election board not later than the date and time specified by IC 3-8-2-14(c)."

Page 11, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 29. IC 3-8-6-10, AS AMENDED BY P.L.74-2017, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in section 11 of this chapter, a petition of nomination must be submitted to the county voter registration office of each county in which the election district is located.

(b) The petition must be filed during the period beginning on the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4 in the year in which the election will be held and ending at noon June 30 before the election.

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

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

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

(f) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a petition of nomination may be filed for an office that will appear on the primary election ballot that



year as a result of the new tabulation of population or corrected population count."

Page 13, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 31. IC 3-8-8-3, AS AMENDED BY P.L.66-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) An individual who challenges the qualification of a candidate for election to an office must be a registered voter of the election district the candidate seeks to represent.

(b) A challenge under this chapter must be filed with the election division not later than noon seventy-four (74) days before the date of the general election at which a candidate to the office is to be elected.

(c) The challenger must file a sworn statement, **signed before a person authorized to administer oaths**, with the election division:

- (1) questioning the qualification of a candidate to seek the office; and
- (2) setting forth the facts known to the voter concerning this question."

Page 13, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 33. IC 3-8-9-4, AS AMENDED BY P.L.76-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) This section does not apply to a candidate for either of the following:

- (1) Judge of a circuit, superior, **city, town**, probate, or small claims court.
- (2) Prosecuting attorney of a judicial circuit.

(b) A candidate for a local office or school board office shall file a written statement of economic interests as provided in this chapter.

SECTION 34. IC 3-8-9-5, AS AMENDED BY P.L.74-2017, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. An individual required to file a statement under section 4 of this chapter shall file the statement as follows:

- (1) With the individual's:
 - (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
 - (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6 **for an office described in IC 3-8-2-5 in a county with a separate board of registration under IC 3-7-12** after certification by the county voter registration office; **board of registration;**
 - (C) **petition of nomination under IC 3-8-2.5 or IC 3-8-6 for an office described in IC 3-8-2-5 in a county that does not have a separate board of registration under IC 3-7-12;**
 - (D) **petition of nomination under IC 3-8-6 for an office described in IC 3-8-2-5 after certification by the county**



voter registration office;

~~(E)~~ **(E)** certificate of nomination under IC 3-10-2-15 or IC 3-10-6-12;

~~(F)~~ **(F)** statement consenting to be a replacement candidate under IC 3-8-6-17;

~~(G)~~ **(G)** declaration of intent to be a write-in candidate under IC 3-8-2-2.5; or

~~(H)~~ **(H)** certificate of candidate selection under IC 3-13-1 or IC 3-13-2.

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

Page 18, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 36. IC 3-10-6-2.5, AS AMENDED BY P.L.119-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city unless the town has a population of more than one thousand (1,000) but less than one thousand four hundred (1,400).

(b) This section applies to a town that has not adopted an ordinance:

(1) under IC 18-3-1-16(b) (before its repeal on September 1, 1981); or

(2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

(c) Notwithstanding IC 3-10-6-6, a town may adopt an ordinance during the year preceding a municipal election conducted under section 2 of this chapter prescribing the length of the term of office for town legislative body members elected in the municipal election.

(d) The ordinance must provide that:

(1) no more than fifty percent (50%) of the members will be elected for terms of three (3) years beginning at noon January 1 following the municipal election under section 2 of this chapter; and

(2) the remainder of the members will be elected for terms of four

(4) years beginning at noon January 1 following the election.

(e) An ordinance described in this section or an ordinance repealing an ordinance described in this section is effective upon filing the ordinance with the circuit court clerk of the county in which the largest percentage of the town is located."

Page 20, between lines 25 and 26, begin a new paragraph and insert:



"SECTION 39. IC 3-10-8-4, AS AMENDED BY P.L.216-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Each circuit court clerk ~~or town clerk-treasurer~~ who **is required to conduct a special election under state law** or receives a writ ordering a special election shall publish in accordance with IC 5-3-1:

(1) under the proper political party or independent candidate designation:

(A) the title of office; and

(B) the names and addresses of all candidates who have filed for election to the office, except for an individual with a restricted address under IC 36-1-8.5;

if an elected office will be on the ballot at the special election;

(2) the text of any public question to be submitted to the voters;

(3) the date of the election; and

(4) the hours during which the polls will be open.

(b) The county election board or town election board shall file a notice of a special election conducted under this chapter with the election division not later than noon seven (7) days after receiving the writ."

Page 21, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 41. IC 3-10-9-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2.5. If a petition is required to place a local public question on the ballot, the petition must comply with the requirements set forth in IC 3-8-6-6(b) concerning documentation of assistance to a voter with disabilities.**"

Page 22, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 43. IC 3-11-1.5-18, AS AMENDED BY P.L.164-2006, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) If the election division determines that the proposed precinct establishment order would comply with this chapter, the election division shall issue an order authorizing the county executive to establish the proposed precincts.

(b) The order issued by the election division under subsection (a) must state that the election division finds that the proposed precincts would comply with the standards set forth in this chapter. The election division shall promptly provide a copy of the order to the county executive.

(c) The county executive must give notice of the proposed order to the voters of the county by one (1) publication under IC 5-3-1-4. The notice must state the following:

SB 560—LS 7331/DI 75



(1) The name of each existing precinct whose boundaries would be changed by the adoption of the proposed order by the county.

(2) That any registered voter of the county may object to the proposed order by filing a sworn statement with the election division setting forth the voter's specific objections to the proposed order and requesting that a hearing be conducted by the commission under IC 4-21.5.

(3) The mailing address of the election division.

(4) The deadline for filing the objection with the election division under this section.

(d) **Except as provided in subsection (g)**, an objection to a proposed precinct establishment order must be filed not later than noon ten (10) days after the publication of the notice by the county executive.

(e) If an objection is not filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may proceed immediately to adopt the proposed order.

(f) If an objection is filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may not adopt the proposed order until the commission conducts a hearing under IC 4-21.5 and determines whether the proposed precincts would comply with the standards set forth in this chapter.

(g) If the co-directors determine that the expiration of the ten (10) day period described in subsection (d) will occur:

(1) after the next period specified under section 25 of this chapter begins; or

(2) without sufficient time for a county or an objector to receive notice of a hearing before the commission concerning an objection before the next period specified under section 25 of this chapter begins;

the co-directors may request a hearing before the commission under section 21 of this chapter, ~~and~~ notify the county executive of the request, **and publication under subsection (c) is not required.**

SECTION 44. IC 3-11-1.5-26 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 26: The co-directors shall promptly notify the county executive of:

(1) the approval of a precinct establishment order by the commission; and

(2) the date the order becomes effective.

The co-directors shall provide one (1) copy of the approved order to the



county executive:

SECTION 45. IC 3-11-1.5-27 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 27: (a) Not later than fourteen (14) days following notice of final approval of a precinct establishment order by the commission under section 18(f) of this chapter, the county executive shall give notice of the approval by one (1) publication under IC 5-3-1-4.

(b) The county executive shall file one (1) copy of the notice published under subsection (a) with the co-directors:

SECTION 46. IC 3-11-1.5-28 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 28: The notice published under section 27 of this chapter must include the following:

- (1) A list of the precincts established by the order and the polling places designated for the precincts;
- (2) The date the order was issued by the county executive;
- (3) The date the order was approved by the commission;
- (4) The effective date of the order;

(5) A statement that the maps, legal descriptions, and estimated voter population of the established precincts are on file for public inspection in:

- (A) the office of the county auditor; or
- (B) in a county with a consolidated city, in the office of the board of registration.

SECTION 47. IC 3-11-1.5-29 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 29: The county executive shall file one (1) copy of the order approved under this chapter with each of the following not later than forty-five (45) days after the notice is published under section 27 of this chapter:

- (1) The county voter registration office;
- (2) The county auditor."

Page 27, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 49. IC 3-11-3-29.5, AS AMENDED BY P.L.201-2017, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 29.5. (a) This section applies to a general or special election in which the name of a candidate appears on the ballot. This section does not apply to an election for presidential electors.

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

- (1) the candidate's party does not fill the vacancy under IC 3-13-1 or IC 3-13-2 not later than noon, five (5) days before the election; and
- (2) when a candidate has died, the election board:



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

(B) votes unanimously by the entire membership that there is good cause to believe that the candidate has died.

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

(1) The absentee voter board.

(2) The inspector of each precinct in which the candidate is on the ballot.

(3) The circuit court clerk.

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

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

Page 30, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 51. IC 3-11-8-3.1, AS AMENDED BY P.L.225-2011, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.1. (a) A county **executive election board** shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

(b) The designation of a polling place under this section remains in effect until:

(1) the location of the polling place is altered by an order of the **county executive or county election board** under this chapter; or

(2) a precinct establishment order issued under IC 3-11-1.5:

(A) designates a new polling place location; or

(B) combines the existing precinct with another precinct established by the order."

Page 30, line 38, strike "executive" and insert "**election board**".

Page 31, line 13, delete "designated by the county executive".

Page 31, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 52. IC 3-11-8-4.3, AS AMENDED BY P.L.230-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.3. (a) If the county election board adopts an order by the unanimous vote of the entire membership of the board, the



county **executive election board** may locate the polls for the precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct.

(b) An order adopted under this section expires December 31 after the date the order was adopted.

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

SECTION 53. IC 3-11-8-6, AS AMENDED BY P.L.225-2011, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. The county **executive election board** shall locate the polls for each precinct in an accessible facility.

SECTION 54. IC 3-11-8-7, AS AMENDED BY P.L.74-2017, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. In preparing the polls for an election, the county **executive election board** shall:

- (1) have placed within the room a railing separating the part of the room to be occupied by the precinct election board from that part of the room to be occupied by the ballot card voting systems, electronic voting systems, and the three (3) or more booths or compartments for marking paper ballots, whenever either or two (2) of these voting systems are used;
- (2) ensure that the portion of the room set apart for the precinct election board includes a designated area before the voter approaches the precinct election board at which each voter appears for challenge; and
- (3) provide a method or material for designating the boundaries of the chute, such as a railing, rope, or wire on each side, beginning a distance equal to the length of the chute (as defined in IC 3-5-2-10) away from and leading to the door for entering the room in which the election is held."

Page 45, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 88. IC 3-11-10-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 38. The voters appointed to the absentee voter boards under section 36 of this chapter shall be compensated in the following manner:

- (1) The boards that are sent to voters under section 25 of this chapter are entitled to a per diem set by the county executive and a sum for mileage at a rate determined by the county fiscal body.
- (2) The boards that are assigned to the circuit court clerk's office



during the period from thirty (30) days before election day through the day before election day are entitled to a per diem set by the county executive: or a satellite facility under **IC 3-11-10-26 or IC 3-11-10-26.3.**

(3) The boards that are assigned to deliver the absentee ballots to the precincts on election day are entitled to a per diem and a sum for mileage at a rate determined by the county fiscal body."

Page 45, between lines 15 and 16, begin a new paragraph and insert: "SECTION 90. IC 3-11-13-11, AS AMENDED BY P.L.21-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be



elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.



(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot ~~beside or above the names and devices~~



label or in a location within the voting booth in a location that permits the voter to easily read the instructions.

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

(1) the names of political parties or candidates; or

(2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

SECTION 91. IC 3-11-13-18, AS AMENDED BY P.L.128-2015, SECTION 189, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) Except as provided in subsection (d), the county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(b) The ballot cards provided under subsection (a) must be:

(1) designed to be folded; or

(2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(c) This subsection is enacted to comply with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system. Except as provided in subsection (d), a write-in vote shall be cast by **making a voting mark on the appropriate place on the ballot and** printing the name of the candidate and the title of the office (**if the title of the office is not already printed on the ballot**) in the space provided for write-in votes on a ballot card or secrecy envelope.

SB 560—LS 7331/DI 75



- (d) Space for write-in voting for an office is not required if:
 - (1) there are no declared write-in candidates for that office; or
 - (2) the marking device allows for entry of a write-in candidate that can be read by a tabulator.

However, procedures must be implemented to permit write-in voting for candidates for federal offices."

Page 46, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 93. IC 3-11-13-28.1, AS ADDED BY P.L.76-2014, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.1. (a) This section does not apply:

- (1) to a ballot card voted by absentee ballot; or
- (2) in a ~~vote center~~ county using an electronic poll book and a printer separate from the electronic poll book.

(b) Except as provided in subsection (c), the two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:

- (1) at the time the card is issued to a voter; or
- (2) in the case of a ballot marked by a marking device for an optical scan ballot, before the ballot is placed into the tabulating device.

The initials must be in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.

(c) In a vote center county using an electronic poll list and a printer separate from the electronic poll list, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system may be printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.

(d) Except as provided in IC 3-12-1-12, a ballot card is not valid unless, immediately before the ballot card is delivered to the voter:

- (1) the ballot card is initialed by both poll clerks; or
- (2) the initials of both poll clerks are printed on the back of the ballot card in accordance with subsection (c)."

Page 47, delete lines 1 and 2.

Page 52, line 9, delete "(17)".

Page 52, line 9, strike "That the county election board shall adopt a resolution".

Page 52, strike lines 10 through 12.

Page 52, line 13, delete "(18)" and insert "(17)".

Page 56, between lines 20 and 21, begin a new paragraph and insert:



"SECTION 100. IC 3-11.5-5-1 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 1. (a) This chapter applies in a county only if the county election board adopts a resolution making this chapter applicable in the county:

(b) A copy of a resolution adopted under this section shall be filed with the election division:

(c) A county election board may not adopt a resolution under this section less than:

- (1) sixty (60) days before an election is to be conducted; or
- (2) fourteen (14) days after an election has been conducted:

(d) A resolution adopted under this section takes effect immediately and may only be rescinded by the unanimous vote of the entire membership of the county election board:

SECTION 101. IC 3-11.5-6-1 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 1. (a) This chapter applies in a county only if the county election board adopts a resolution making this chapter applicable in the county:

(b) A copy of a resolution adopted under this section shall be sent to the election division:

(c) A county election board may not adopt a resolution under this section less than:

- (1) sixty (60) days before an election is to be conducted; or
- (2) fourteen (14) days after an election has been conducted:

(d) A resolution adopted under this section takes effect immediately and may only be rescinded by the unanimous vote of the entire membership of the county election board:".

Page 61, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 106. IC 3-12-2-7.5, AS AMENDED BY P.L.201-2017, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.5. (a) This section applies to the counting of federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

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



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

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

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

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

(1) the ballot was submitted:

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

(B) from within the United States;

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

(3) the voter's completed regular state absentee ballot was received by the county election board by the deadline for receiving absentee ballots under ~~IC 3-11-10-11~~; **IC 3-11.5-4-10 or IC 3-12-1-17**; or

(4) the ballot subject to this section was not received by the county election board by the deadline for receiving absentee ballots under ~~IC 3-11-10-11~~; **IC 3-11.5-4-10 or IC 3-12-1-17**.

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

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

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

Page 65, between lines 35 and 36, begin a new paragraph and insert: "SECTION 110. IC 3-12-12-2, AS AMENDED BY P.L.74-2017, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. A voter who desires a recount under this chapter must file a verified petition no later than noon fourteen (14) days after election day. The petition must be filed:

(1) in the circuit court, superior court, or probate court of each county in which is located a precinct in which the voter desires a



recount; **and or**

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

Page 71, line 17, delete "," and insert "**of the county in which the greatest percentage of the population of the election district is located,**".

Page 72, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 130. IC 3-13-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. A candidate vacancy for United States Senator or a state office shall be filled by appointment by the state chairman of the political party **in accordance with the state rules of the political party.**

SECTION 131. IC 3-13-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A candidate vacancy for United States Representative shall be filled by appointment by the district chairman of the political party **in accordance with the state rules of the political party.**

SECTION 132. IC 3-13-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A candidate vacancy for a legislative office shall be filled by a majority vote of the county chairmen of the political party for all of the counties that have territory in the senate or house district **in accordance with the state rules of the political party.**

SECTION 133. IC 3-13-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in subsection (b), a candidate vacancy for a local office shall be filled by appointment by the county chairman of the political party of the county in which the greatest percentage of the population of the election district is located **in accordance with the state rules of the political party.**

(b) A candidate vacancy for the office of circuit court judge or prosecuting attorney in a circuit having more than one (1) county shall be filled by a majority vote of the county chairmen of the political party for all of the counties in the circuit **in accordance with the state rules of the political party.**

SECTION 134. IC 3-13-2-6 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 6: (a) ~~If a tie vote occurs among a group of chairmen acting under section 4 or 5(b) of this chapter, the state chairman may cast the tiebreaking vote.~~

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



SECTION 135. IC 3-13-2-8, AS AMENDED BY P.L.169-2015, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The chairman ~~or chairmen~~ filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the election division stating the following information for each candidate selected:

- (1) The name of each candidate as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) The residence address of each candidate.

(b) The certificate shall be filed with:

- (1) the election division for:
 - (A) ~~one (1) or more chairmen~~ **the chairman** acting under section 2, 3, 4, or 5(b) of this chapter; or
 - (B) a committee acting under section 5(b) of this chapter to fill a candidate vacancy for the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or
- (2) the circuit court clerk of the county in which the greatest percentage of the population of the election district is located, for a chairman acting under section 5(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidate.

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

SECTION 136. IC 3-13-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) This section applies to a political party subject to IC 3-8-4-10.

(b) A candidate vacancy under this chapter shall be filled by the state committee of the political party **in accordance with the state rules of the political party**. The chairman of the state committee shall act in accordance with section 8 of this chapter to certify the candidate selected to fill the vacancy.

SECTION 137. IC 3-13-5-1, AS AMENDED BY P.L.119-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2019]: Sec. 1. (a) A vacancy in a legislative office shall be filled by a caucus comprised of the precinct committeemen from the senate or house district where the vacancy exists who represent the same political party that elected or selected the person who held the vacated seat.

(b) Not later than thirty (30) days after the vacancy occurs (or as provided in subsections (c) and (d)), the caucus shall meet and select a person to fill the vacancy by a majority vote of those casting a vote for a candidate, including vice committeemen eligible to vote as a proxy under section 5 of this chapter.

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

- (1) submitted a written resignation under IC 5-8-3.5 that has not yet taken effect; **or**
- (2) been elected to another office; **or**
- (3) submitted a notice under IC 5-9-4 to take a leave of absence for active duty in the armed forces or national guard.**

(d) If a vacancy in a legislative office exists because of the death of the legislator, the caucus shall meet and select a person to fill the vacancy not later than thirty (30) days after the state chairman receives notice of the death of the legislator from the secretary of state under IC 5-8-6.

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

(f) The person selected must reside in the district where the vacancy occurred.

SECTION 138. IC 3-13-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in this section, voting by proxy is not allowed in a caucus held under this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

- (1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a legislative office who also served as a precinct committeeman.



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

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

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy ~~regardless of when the ballot vacancy occurred~~, if the vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(d) If a vice committeeman is not eligible under subsection (c), the vice committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred.

(e) Voting shall be conducted by secret ballot, and IC 5-14-1.5-3(b) does not apply to this chapter.

SECTION 139. IC 3-13-6-1, AS AMENDED BY P.L.245-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this section, "judge" refers to a judge of a circuit, superior, or probate court.

(b) If a judge wants to resign from office, the judge must resign as provided in IC 5-8-3.5.

(c) A vacancy that occurs because of the death of a judge may be certified to the governor under IC 5-8-6.

(d) A vacancy that occurs, other than by resignation or death of a judge, shall be certified to the governor by the circuit court clerk of the county in which the judge resided.

(e) A vacancy in the office of judge of a circuit court shall be filled by the governor as provided by Article 5, Section 18 of the Constitution of the State of Indiana. However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6.

(f) The person who is appointed holds the office until:

(1) the end of the unexpired term; or

(2) a successor is elected at the next general election for the office, and qualified;

whichever occurs first.

(g) Except **in a year in which the office is scheduled to be placed on the ballot, and except** as provided in this subsection, the office of judge of the circuit court shall be elected at the next general election following the date any vacancy occurred. If a vacancy occurs in the office of judge of the circuit court after noon seventy-four (74) days before a general election, the office shall be elected at the second



general election following the date any vacancy occurred.

(h) The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.

(i) A vacancy in the office of judge of a superior or probate court shall be filled by the governor subject to the following:

- (1) IC 33-33-2-39.
- (2) IC 33-33-2-43.
- (3) IC 33-33-45-38.
- (4) IC 33-33-71-40.
- (5) IC 33-33-49-13.4.

However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds office for the remainder of the unexpired term.

SECTION 140. IC 3-13-9-2, AS AMENDED BY P.L.119-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section applies to a vacancy in the office of judge of a town court that is:

- (1) not covered by section 1 of this chapter; or
- (2) covered by section 1 of this chapter, but ~~existing after the thirtieth day after:~~
 - (A) ~~the vacancy occurs; if IC 5-8-6 does not apply; or~~
 - (B) ~~the town clerk-treasurer receives the notice required under IC 5-8-6; not filled by a major political party by the applicable deadline set forth in IC 3-13-11-3.~~

(b) A vacancy shall be filled by the town council at a regular or special meeting.

(c) The town clerk-treasurer shall give notice of the meeting. ~~Except as provided in subsections (e) and (f);~~ The meeting shall be held

- (~~+~~) not later than thirty (30) days after:
 - (1) the vacancy occurs if the vacancy is not covered by section 1 of this chapter; or
 - (2) ~~not later than sixty (60) days after the vacancy occurs if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days; the applicable deadline for a major political party to fill the vacancy as set forth in IC 3-13-11-3.~~

(d) The notice must:

- (1) be in writing;
- (2) state the purpose of the meeting;



- (3) state the date, time, and place of the meeting; and
- (4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(e) If a vacancy:

- (1) is not covered by section 1 of this chapter; and
- (2) exists because of the death of a judge;

the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the town clerk-treasurer receives notice of the death under IC 5-8-6. The town clerk-treasurer may not give the notice required by subsection (c) until the town clerk-treasurer receives notice of the death under IC 5-8-6.

(f) If a vacancy:

- (1) is covered by section 1 of this chapter;
- (2) exists because of the death of a judge; and
- (3) exists for more than thirty (30) days;

the council shall meet and select an individual to fill the vacancy not later than sixty (60) days after the town clerk-treasurer receives notice of the death under IC 5-8-6. The town clerk-treasurer may not give the notice required by subsection (c) until the town clerk-treasurer receives notice of the death under IC 5-8-6.

SECTION 141. IC 3-13-9-3, AS AMENDED BY P.L.120-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) This section applies to a vacancy in the office of town clerk-treasurer:

- (1) not covered by section 1 of this chapter; or
- (2) covered by section 1 of this chapter, but ~~existing after the thirtieth day after:~~
 - ~~(A) the vacancy occurs; if IC 5-8-6 does not apply; or~~
 - ~~(B) the president of the town council receives the notice required under IC 5-8-6; not filled by a major political party by the applicable deadline set forth in IC 3-13-11-3.~~

(b) A vacancy shall be filled by the town council at a regular or special meeting.

(c) The president of the town council shall give notice of the meeting. Except as provided in subsections (e) and (f), the meeting shall be held

- ~~(+) not later than thirty (30) days after:~~
 - ~~(1) the vacancy occurs if the vacancy is not covered by section 1 of this chapter; or~~
 - ~~(2) not later than sixty (60) days after the vacancy occurs if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days; the applicable deadline for a major~~



political party to fill the vacancy as set forth in IC 3-13-11-3.

(d) The notice must:

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

(e) If a vacancy:

- (1) is not covered by section 1 of this chapter; and
- (2) exists because of the death of the town clerk-treasurer;

the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the president of the town council receives notice of the death under IC 5-8-6. The president of the town council may not give the notice required by subsection (c) until the president of the town council receives notice of the death under IC 5-8-6.

(f) If a vacancy:

- (1) is covered by section 1 of this chapter;
- (2) exists because of the death of the town clerk-treasurer; and
- (3) exists for more than thirty (30) days;

the council shall meet and select an individual to fill the vacancy not later than sixty (60) days after the president of the town council receives notice of the death under IC 5-8-6. The president of the town council may not give the notice required by subsection (c) until the president of the town council receives notice of the death under IC 5-8-6.

(g) If a town council is unable to select an individual to fill a vacancy in the office by complying with this section, a member of the town council may assume the duties of the town clerk-treasurer under IC 36-5-6-9.

SECTION 142. IC 3-13-9-4, AS AMENDED BY P.L.119-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) This section applies to a vacancy in the town council:

- (1) not covered by section 1 of this chapter; or
- (2) covered by section 1 of this chapter, but ~~existing after the thirtieth day after:~~
 - (A) the vacancy occurs, if IC 5-8-6 does not apply; or
 - (B) the town clerk-treasurer receives the notice required under IC 5-8-6, **not filled by a major political party by the applicable deadline set forth in IC 3-13-11-3.**

(b) The vacancy shall be filled by the remaining members of the



council at a regular or special meeting.

(c) The town clerk-treasurer shall give notice of the meeting. Except as provided in subsections (e), (f), (g), and (h), the meeting shall be held

(+) not later than thirty (30) days after:

(1) the vacancy occurs if the vacancy is not covered by section 1 of this chapter; or

(2) ~~not later than sixty (60) days after the vacancy occurs if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.~~ **the applicable deadline for a major political party to fill the vacancy as set forth in IC 3-13-11-3.**

(d) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

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

(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(e) If a vacancy:

(1) is not covered by subsection (f) or section 1 of this chapter; and

(2) exists because a circumstance has occurred under IC 36-5-2-6.5(3);

the town council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the town council determines that a circumstance has occurred under IC 36-5-2-6.5(3).

(f) If a vacancy:

(1) is not covered by subsection (e) or section 1 of this chapter; and

(2) exists because a circumstance has occurred under IC 36-5-2-6.5(2);

the town council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the town clerk-treasurer receives notice of the death under IC 5-8-6. The town clerk-treasurer may not give the notice required by subsection (c) until the town clerk-treasurer receives notice of the death under IC 5-8-6.

(g) If a vacancy:

(1) is covered by section 1 of this chapter and not covered by subsection (h);

(2) exists because a circumstance has occurred under IC 36-5-2-6.5(3); and

(3) exists for more than thirty (30) days;

the council shall meet and select an individual to fill the vacancy not



later than sixty (60) days after the town council determines that a circumstance has occurred under IC 36-5-2-6.5(3).

(h) If a vacancy:

- (1) is covered by section 1 of this chapter and not covered by subsection (g);
- (2) exists because a circumstance has occurred under IC 36-5-2-6.5(2); and
- (3) exists for more than thirty (30) days;

the council shall meet and select an individual to fill the vacancy not later than sixty (60) days after the town clerk-treasurer receives notice of the death under IC 5-8-6. The town clerk-treasurer may not give the notice required by subsection (c) until the town clerk-treasurer receives notice of the death under IC 5-8-6.

SECTION 143. IC 3-13-10-2, AS AMENDED BY P.L.119-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A vacancy in the office of township trustee:

- (1) not covered by section 1 of this chapter; or
- (2) covered by section 1 of this chapter, but ~~that exists after the thirtieth day after:~~
 - (A) ~~the vacancy occurs, if IC 5-8-6 does not apply; or~~
 - (B) ~~the county auditor receives the notice required under IC 5-8-6; not filled by a major political party by the applicable deadline set forth in IC 3-13-11-3;~~

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

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

(c) ~~Except as provided in subsections (e) and (f);~~ The meeting shall be held not later than

~~(†) thirty (30) days after:~~

- (1) the vacancy occurs, if the vacancy is not covered by section 1 of this chapter; or**
- (2) not later than sixty (60) days after the vacancy occurs, if the vacancy is covered by section † of this chapter and exists for more than thirty (30) days. the applicable deadline for a major political party to fill the vacancy as set forth in IC 3-13-11-3.**

(d) The notice must:

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

(e) If the vacancy:



(1) is not covered by section 1 of this chapter; and
 (2) exists because of the death of the township trustee;
 the meeting required by subsection (c) shall be held not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

(f) If the vacancy:

(1) is covered by section 1 of this chapter;
 (2) exists because of the death of the township trustee; and
 (3) exists for more than thirty (30) days;
 the meeting required under subsection (c) shall be held not later than sixty (60) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

SECTION 144. IC 3-13-10-4, AS AMENDED BY P.L.194-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A vacancy on the township board of a township:

(1) not covered by section 1 of this chapter; or
 (2) covered by section 1 of this chapter, but ~~that exists after the thirtieth day after:~~

~~(A) the vacancy occurs, if IC 5-8-6 does not apply; or
 (B) the county chairman receives the notice required under IC 5-8-6; not filled by a major political party by the applicable deadline set forth in IC 3-13-11-3;~~

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

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

(c) Except as provided in subsections (e) and (f), the meeting shall be held

~~(+) not later than thirty (30) days after:
 (1) the vacancy occurs, if the vacancy is not covered by section 1 of this chapter; or
 (2) not later than sixty (60) days after the vacancy occurs, if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days. the applicable deadline for a major political party to fill the vacancy as set forth in IC 3-13-11-3.~~

(d) The notice must:

(1) be in writing;
 (2) state the purpose of the meeting;



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

(e) If a vacancy:

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

the meeting required by subsection (c) shall be held not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required under subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

(f) If a vacancy:

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

the meeting required by subsection (c) shall be held not later than sixty (60) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

SECTION 145. IC 3-13-11-3, AS AMENDED BY P.L.74-2017, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsections (b) and (e) and section 3.5 of this chapter, after a vacancy occurs and not later than ten (10) days after a vacancy occurs in an office subject to this chapter, the county chairman:

- (1) of the county in which the greatest percentage of the population of the election district of the office is located; and
- (2) of the same political party that elected or selected the official who vacated the office;

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

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

- (1) submitted a written resignation under IC 5-8-3.5; **or**
- (2) been elected to another office; **or**
- (3) submitted a notice under IC 5-9-4 to take a leave of absence for active duty in the armed forces or national guard.**

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



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

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

(f) If a person or entity that receives notice of a resignation under IC 5-8-3.5-1(b) fails to provide timely notice of the resignation to the person or entity with the power to fill the vacancy or call the caucus, the person or entity with the power to fill the vacancy or call that caucus:

- (1) may immediately proceed to fill the vacancy or call the caucus without prior receipt of the notice; and**
- (2) must do so not later than thirty (30) days after receiving the notice from the person or entity that received the notice of resignation."**

Page 73, between lines 23 and 24, begin a new line block indented and insert:

"(6) Pays or offers to pay an individual any property based on the number of absentee ballot applications or voter registration applications obtained by the individual. This subdivision does not prohibit payment for gathering absentee ballot applications or voter registration applications not based, either directly or indirectly, on the number of applications obtained.

SECTION 149. IC 5-6-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Subsection (b) does not apply to the deputy of a circuit court clerk **or a deputy described in IC 5-4-1-1(c).**

(b) Deputies shall take the oath required of their principals.

(c) A deputy may perform all the official duties of the deputy's principal, being subject to the same regulations and penalties."

Page 73, line 31, after "superior," insert "**small claims**,".

Page 73, line 35, after "The" insert "**prosecuting attorney and**".

Page 75, between lines 27 and 28, begin a new paragraph and insert:
"SECTION 151. IC 11-8-2-5, AS AMENDED BY P.L.130-2018,



SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The commissioner shall do the following:

- (1) Organize the department and employ personnel necessary to discharge the duties and powers of the department.
- (2) Administer and supervise the department, including all state owned or operated correctional facilities.
- (3) Except for employees of the parole board, be the appointing authority for all positions in the department.
- (4) Define the duties of a deputy commissioner and a warden.
- (5) Accept committed persons for study, evaluation, classification, custody, care, training, and reintegration.
- (6) Determine the capacity of all state owned or operated correctional facilities and programs and keep all Indiana courts having criminal or juvenile jurisdiction informed, on a quarterly basis, of the populations of those facilities and programs.
- (7) Utilize state owned or operated correctional facilities and programs to accomplish the purposes of the department and acquire or establish, according to law, additional facilities and programs whenever necessary to accomplish those purposes.
- (8) Develop policies, programs, and services for committed persons, for administration of facilities, and for conduct of employees of the department.
- (9) Administer, according to law, the money or other property of the department and the money or other property retained by the department for committed persons.
- (10) Keep an accurate and complete record of all department proceedings, which includes the responsibility for the custody and preservation of all papers and documents of the department.
- (11) Make an annual report to the governor according to subsection (c).
- (12) Develop, collect, and maintain information concerning offenders, sentencing practices, and correctional treatment as the commissioner considers useful in penological research or in developing programs.
- (13) Cooperate with and encourage public and private agencies and other persons in the development and improvement of correctional facilities, programs, and services.
- (14) Explain correctional programs and services to the public.
- (15) As required under ~~42 U.S.C. 15483~~, after January 1, 2006, **52 U.S.C. 21083**, provide information to the election division to coordinate the computerized list of voters maintained under IC 3-7-26.3 with department records concerning individuals



disfranchised under IC 3-7-46.

(16) Make an annual report to the legislative council in an electronic format under IC 5-14-6 before September 1 of each year.

(b) The commissioner may:

(1) when authorized by law, adopt departmental rules under IC 4-22-2;

(2) delegate powers and duties conferred on the commissioner by law to a deputy commissioner or commissioners and other employees of the department;

(3) issue warrants for the return of escaped committed persons (an employee of the department or any person authorized to execute warrants may execute a warrant issued for the return of an escaped person);

(4) appoint personnel to be sworn in as correctional police officers; and

(5) exercise any other power reasonably necessary in discharging the commissioner's duties and powers.

(c) The annual report of the department shall be transmitted to the governor by September 1 of each year and must contain:

(1) a description of the operation of the department for the fiscal year ending June 30;

(2) a description of the facilities and programs of the department;

(3) an evaluation of the adequacy and effectiveness of those facilities and programs considering the number and needs of committed persons or other persons receiving services; and

(4) any other information required by law.

Recommendations for alteration, expansion, or discontinuance of facilities or programs, for funding, or for statutory changes may be included in the annual report."

Page 75, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 153. IC 20-23-6-5, AS AMENDED BY P.L.169-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) If a petition is filed in one (1) or more of the school corporations protesting consolidation as provided in this chapter by the legal voters of any school corporation the governing body of which proposes to consolidate, the governing body in each school corporation in which a protest petition is filed shall certify the public question to each county election board of the county in which the school corporation is located. The county election board shall call an election of the voters of the school corporation to determine if a majority of the legal voters of the corporation is in favor of



consolidating the school corporations.

(b) If a protest is filed in more than one (1) school corporation, the elections shall be held on the same day. Each county election board shall give notice by publication once each week for two (2) consecutive weeks in a newspaper of general circulation in the school corporation. If a newspaper is not published in the:

- (1) township;
- (2) town; or
- (3) city;

the notice shall be published in the nearest newspaper published in the county or counties, that on a day and at an hour to be named in the notice, the polls will be open at the usual voting places in the various precincts in the corporation for taking the vote of the legal voters upon whether the school corporation shall be consolidated with the other school corporations joining in the resolution.

(c) The public question shall be placed on the ballot in the form provided by IC 3-10-9-4 and must state: "Shall (insert name of school corporation) be consolidated with (insert names of other school corporations)?"

(d) Notice shall be given not later than thirty (30) days after the petition is filed. The election shall be held not less than ten (10) days or more than twenty (20) days after the last publication of the notice.

(e) The governing body of each school corporation in which an election is held is bound by the majority vote of those voting. However, if the election falls within a period of not more than six (6) months before a primary or general election, the election shall be held concurrently with the primary or general election **if the public question is certified to the county election board not later than the deadline set forth in IC 3-10-9-3.**

(f) If a majority of those voting in any one (1) school corporation votes against the plan of consolidation, the plan fails. However, the failure does not prevent any or all the school corporations from taking further initial action for the consolidation of school corporations under this chapter."

Page 86, between lines 27 and 28, begin a new paragraph and insert:
"SECTION 158. IC 36-6-6-2.3, AS ADDED BY P.L.10-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.3. (a) This section does not apply to a township board in a county containing a consolidated city.

(b) During the year preceding a general election for the members of the township board conducted under section 2 of this chapter, a township board may adopt a resolution under this section to provide for



the staggering of the terms of its members.

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

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

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

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

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

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

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

(e) If a vacancy occurs in one (1) or more of the offices elected under subsection (c), because there are fewer candidates **are elected** than the number of board members to be elected, the **vacaney is filled:**

(1) by a caucus as provided under IC 3-13-10-1, if the office was last held by a person elected or selected as a candidate of a major political party; or

(2) by the board of commissioners of the county under IC 3-13-10-4, if the office was last held by a person elected or selected as a candidate of other than a major political party.

If there is more than one (1) vacancy to be filled, the authority filling the vacancy determines the length of the term in accordance with subsection (c) for a person selected to fill a vacancy under this subsection: **incumbent board member or members that hold office under Article 15, Section 3 of the Constitution of the State of Indiana shall be determined under IC 3-13-10-6.5 by the county executive. The county executive shall determine the length of the term of each incumbent board member if more than one (1) incumbent board member continues to hold office under Article 15,**



Section 3 of the Constitution of the State of Indiana. The county executive shall consider any applicable language in the resolution adopted by the township in making this determination.

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

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

- (1) The resolution may not be repealed earlier than twelve (12) years after the resolution was adopted.
- (2) The resolution may be repealed only in a year in which an election for members of the township board is not held.
- (3) The resolution must provide for the election of all members of the township board at the next general election. Notwithstanding subsection (c)(2) and section 2 of this chapter, the term of all the members of the township board ends January 1 after the next general election.
- (4) The term of office of the members elected at the next general election is four (4) years, beginning January 1 after that general election.

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

- (1) must be filed with the circuit court clerk before January 1 of a year in which an election of board members is scheduled to be held; and
- (2) takes effect when the ordinance is filed with the circuit court clerk."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 560 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 5, Nays 2.

