



Reprinted
April 12, 2019

ENGROSSED SENATE BILL No. 560

DIGEST OF SB 560 (Updated April 11, 2019 3:52 pm - DI 75)

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. Makes the following changes:
(1) Removes provisions relating to candidates for President of the
(Continued next page)

Effective: Upon passage; May 1, 2019 (retroactive); July 1, 2019; January 1, 2020.

Houchin, Walker, Bohacek

(HOUSE SPONSOR — WESCO)

January 14, 2019, read first time and referred to Committee on Elections.
February 5, 2019, amended, reported favorably — Do Pass.
February 14, 2019, read second time, amended, ordered engrossed.
February 15, 2019, engrossed.
February 19, 2019, read third time, passed. Yeas 39, nays 0.

HOUSE ACTION

March 7, 2019, read first time and referred to Committee on Elections and Apportionment.
April 8, 2019, amended, reported — Do Pass.
April 11, 2019, read second time, amended, ordered engrossed.

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United States filing ballot placement requests with the secretary of state. (2) Provides that the election division annual training conference for county election officials must include information on cybersecurity and physical security practices for the statewide voter registration system, voting systems, and polling places. Requires the attendance of bipartisan board of registration members and permits clerks and board members to designate a number of chief deputies to attend. (3) Specifies that absentee reports generated by the statewide voter registration data base are required to be in a specified format, and may be generated in other formats. (4) Requires a notice to be sent to an applicant whose voter registration application is denied because the acknowledgment card was returned as undeliverable. (5) Authorizes the Indiana election commission to determine the validity of a candidate's nomination for certain offices. (6) Provides that except as otherwise specifically provided by a statute, a local public question may be placed on the ballot only at the following elections: (a) a primary election in a year a general election is held; (b) a general election; (c) a primary election in a year a municipal election is held, but only if the election district for the public question is contained entirely within a municipality; (d) a municipal general election, but only if the election district for the public question is contained entirely within a municipality; (e) a special election if specifically permitted by law. (7) Provides that a voter may not change the political party primary ballot that the voter has requested. (8) Establishes a procedure for casting a voter's ballot if the voter does not complete the procedures for casting the voter's ballot on an electronic voting machine or if a voter abandons a paper ballot. (9) 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. (10) Provides that a precinct may not be established if any precinct would have less than 600 active voters except in certain circumstances. (11) Provides that a county election board or a board of elections and registration does not have the power to extend the hours that the polls are open on election day. (12) Establishes standards for issuance of an order by an Indiana court or administrative agency to extend the hour for closing of the polls. Requires that specific findings be made by a court before issuing an order to extend polling place hours and makes other amendments concerning appeals in such cases. (13) Removes the shortened period during which absentee ballots by mail may be sent when a county election board shortens the period during which in-person absentee ballots may be voted. (14) Modifies the procedure for checking sample ballots for compliance with official ballots to make the procedure practical for counties using vote centers. (15) Provides that the state voting system inventory maintained by the VSTOP and any county election board resolution adopting alternative voting system security plans are confidential. (16) Provides that, in Marion County, ballots cast at a vote center are not required to be sorted by precinct unless a recount is requested. (17) Provides that, in Marion County, absentee ballot envelopes may be opened by machine instead of by absentee ballot counters. (18) Provides that, in Marion County, an individual who is: (a) a citizen of the United States; (b) registered to vote in Indiana; and (c) at least 18 years of age; may be appointed to serve as an absentee ballot counter or a courier, if the county election board adopts a resolution by a unanimous vote of its entire membership authorizing the appointment of such individuals. (19) Prohibits a county election board from scanning a voted absentee ballot card using an optical scan ballot scanner before election day, and instead requires that the voted absentee ballot card be placed in a secure envelope until election day. (20) Clarifies that the county fiscal body sets the per diem and mileage rates for all types of absentee board members. (21)

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Digest Continued

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. (22) Requires all counties to count absentee ballots at a central location. (23) Establishes a deadline to file a small town primary ordinance with the county. (24) Provides that certain notice requirements do not apply to an early candidate vacancy filled by a county chairman or by a committee consisting of the county committee's chairman, vice chairman, secretary, and treasurer. (25) Sets forth procedures when notice of a resignation was received but timely notice was not provided. (26) 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. (27) Makes various technical changes in election law relating to: (a) ballots; (b) election administration; (c) voter registration; (d) candidates; (e) public questions; (f) polling places; (g) initialing ballots; (h) payment of expenses of the state recount commission; and (i) certification of public questions relating to certain school corporation tax levies. (28) Updates and corrections dates and other references in the election law. (29) Repeals several obsolete provisions relating to: (a) preservation of certain documents; (b) election administration; (c) establishment of a single county executive. Makes technical and conforming changes.



Reprinted
April 12, 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.

ENGROSSED 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.

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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 3-6-4.2-14, AS AMENDED BY P.L.120-2009,
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2019]: Sec. 14. (a) Each year in which a general or municipal
13 election is held, the election division shall call a meeting of all the
14 members of the county election boards and the boards of registration
15 to instruct them as to **regarding all of the following:**

16 (1) Their duties under this title and federal law (including HAVA
17 and NVRA).

18 (2) **Requirements and best practices concerning cybersecurity
19 for the computerized list, voting systems, and electronic poll
20 books.**

21 (3) **Physical security for all aspects of the election process,
22 including voting systems, electronic poll books, absentee
23 voting, and polling places.**

24 (4) **Requirements and best practices to ensure that voting
25 systems, precinct polling places, and vote centers are
26 accessible to voters with disabilities.**

27 (b) The election division may, but is not required to, call a meeting
28 under this section during a year in which a general or a municipal
29 election is not held.

30 ~~(b)~~ (c) Each circuit court clerk **and each member of a board of
31 registration established under IC 3-7-12** shall attend a meeting called
32 by the election division under this section. **A circuit court clerk or
33 member of a board of registration may require the attendance of
34 the following:**

35 (1) **Each of the circuit court clerk's or board of registration
36 member's appointed and acting chief deputies or chief
37 assistants with election related responsibilities.**

38 (2) **If the number of deputies or assistants:**

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

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



1 ~~(e)~~ **(d)** The ~~co-directors of the~~ election division shall set the time
2 and place of the instructional meeting. In years in which a primary
3 election is held, the election division:

- 4 (1) may conduct the meeting before the first day of the year; and
5 (2) shall conduct the meeting before primary election day.

6 The instructional meeting may not last for more than two (2) days.

7 ~~(d)~~ **(e)** Each ~~member of a county election board or board of~~
8 ~~registration~~ **individual required to attend the meeting under**
9 **subsection (c)** and an individual who has been elected or selected to
10 serve as circuit court clerk but has not yet begun serving in that office
11 is entitled to receive all of the following from the county general fund
12 without appropriation:

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

16 (2) A mileage allowance at the state rate for the distance
17 necessarily traveled in going and returning from the place of the
18 instructional meeting called by the election division under this
19 section.

20 (3) Reimbursement for the payment of the instructional meeting
21 registration fee.

22 (4) An allowance for lodging for each night preceding conference
23 attendance equal to the lodging allowance provided to state
24 employees in travel status.

25 SECTION 8. IC 3-6-5-13, AS AMENDED BY P.L.116-2018,
26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2019]: Sec. 13. (a) Each county election board shall keep
28 minutes of all meetings of the board, including a written record of the
29 aye and nay vote of each member on all questions coming before the
30 board.

31 (b) The circuit court clerk shall permanently retain the board
32 minutes.

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

38 SECTION 9. IC 3-6-5-35, AS ADDED BY P.L.230-2005,
39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2019]: Sec. 35. (a) An individual who knowingly, recklessly,
41 or negligently fails to perform a duty as a precinct election officer
42 required by this title is subject to a civil penalty under this section in



1 addition to any other penalty imposed.

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

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

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

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

12 SECTION 10. IC 3-6-12-2, AS ADDED BY P.L.186-2013,
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2019]: Sec. 2. As used in this chapter, "petition carrier" refers
15 to an individual who circulates a petition that is required to place a
16 candidate or a public question on the ballot. **The term includes a**
17 **candidate circulating a petition for the candidate's placement on**
18 **the ballot.**

19 SECTION 11. IC 3-7-12-28.1 IS REPEALED [EFFECTIVE JULY
20 1, 2019]. Sec. 28.1. (a) In addition to the reports required for the
21 statewide voter file, the county voter registration office shall file a
22 report with the election division not later than noon January 31 of each
23 year:

24 (b) The report must include the following:

25 (1) Any revisions to the county NVRA implementation plan
26 adopted during the preceding year.

27 (2) Other data prescribed by the division.

28 SECTION 12. IC 3-7-26.3-23 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 23. (a) The
30 computerized list must include absentee ballot management features
31 that do the following:

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

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

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

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

41 **(b) The computerized list:**

42 **(1) must require that a report containing information**



1 **concerning absentee applications and voting by specified**
 2 **individuals be generated in CSV format with dashes; and**
 3 **(2) may provide for reports described in subdivision (1) to be**
 4 **generated in other formats.**

5 SECTION 13. IC 3-7-26.3-34, AS ADDED BY P.L.216-2015,
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 34. ~~Beginning not later than January 7, 2016;~~
 8 The secretary of state and the co-directors of the election division shall
 9 provide the information regarding:

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

11 (2) the:

12 (A) names of candidates who; and

13 (B) public questions that;

14 will appear on ballots in an election;

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

17 SECTION 14. IC 3-7-26.7-4, AS ADDED BY P.L.120-2009,
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 4. ~~After June 30, 2010;~~ An individual described
 20 in section 1 of this chapter may submit a voter registration application
 21 to a county voter registration office using the procedures set forth in
 22 this chapter.

23 SECTION 15. IC 3-7-33-5, AS AMENDED BY P.L.169-2015,
 24 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]: Sec. 5. (a) When the county voter registration office
 26 receives an application for a new registration or an application with
 27 information that revises or adds information to the applicant's current
 28 voter registration record, the county voter registration office shall
 29 determine if the applicant appears to be eligible to register to vote
 30 based on the information in the application.

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

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

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

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



1 (c) The notice required by subsection (b) must set forth the
2 following:

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

4 (2) The disposition of the application by the county voter
5 registration office.

6 (3) If the county voter registration office determines that the
7 applicant appears to be eligible, the notice must state the
8 following:

9 (A) Except as provided under subsection (g), the applicant is
10 registered to vote under the residence address when the
11 applicant receives the notice. An applicant is presumed to
12 have received the notice unless the notice is returned by the
13 United States Postal Service due to an unknown or insufficient
14 address and received by the county voter registration office not
15 later than seven (7) days after the notice is mailed to the
16 applicant.

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

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

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

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

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

27 (f) If the notice is returned by the United States Postal Service due
28 to an unknown or insufficient address, the county voter registration
29 office shall determine that the applicant is ineligible and deny the
30 application.

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

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

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

40 the expiration of the seven (7) day period under subsection (c), the
41 county voter registration office shall indicate in the computerized list
42 that the applicant is a registered voter **at the address set forth by the**



1 applicant as the applicant's current address.

2 (h) If:

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

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

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

18 (i) If the county voter registration office cancels a voter's
19 registration record at an address that the applicant has stated is no
20 longer the legal residence of the applicant under subsection (h), the
21 county voter registration office shall send the voter a notice
22 prescribed by the election division and generated from the
23 computerized list maintained under IC 3-7-26.3 by forwardable
24 mail to the voter's residence address that was canceled. The notice
25 must state the following:

26 (1) That the voter's registration application was denied under
27 subsection (f).

28 (2) That the voter's registration record at the address that the
29 applicant has stated is no longer the legal residence of the
30 applicant has been canceled under subsection (h).

31 (3) That if the voter wants to register to vote at the voter's
32 current residence address, the voter must complete and
33 submit a new application before the end of the next
34 registration period described in IC 3-7-13-10.

35 A voter registration application must be sent with the notice
36 required under this subsection.

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

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

42 (2) the applicant has not presented the notice mailed under



1 subsection (b) to the county voter registration office as provided
 2 under subsection (g); and
 3 (3) the applicant would otherwise have been included on the
 4 certified list;
 5 the county voter registration office shall prepare a certificate of error
 6 under IC 3-7-48 to note the addition of the voter to the certified list.
 7 ~~(j)~~ **(k)** This subsection applies if the notice is mailed by the county
 8 voter registration office after the certified list is prepared under
 9 IC 3-7-29. If:
 10 (1) the seven (7) day period has not expired before election day;
 11 and
 12 (2) the applicant has not presented the notice mailed under
 13 subsection (b) to the county voter registration office as provided
 14 under subsection (g);
 15 the county voter registration office shall notify the county election
 16 board. The county election board shall certify to the inspector of the
 17 precinct where the applicant resides that the applicant's voter
 18 registration application is pending, and that the voter, subject to
 19 fulfilling the requirements of IC 3-11-7, is entitled to cast a provisional
 20 ballot.
 21 SECTION 16. IC 3-7-38.2-16.1, AS ADDED BY P.L.201-2017,
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: Sec. 16.1. ~~(a) This section applies only after December~~
 24 ~~31, 2018:~~
 25 ~~(b)~~ During each odd-numbered year, the NVRA official shall
 26 conduct a residency confirmation and outreach procedure under this
 27 chapter. The NVRA official (or a contractor acting on behalf of the
 28 NVRA official) shall send a nonforwardable mailing by U.S. mail,
 29 postage prepaid, to each active voter (as defined in IC 3-11-18.1-2) in
 30 Indiana at the voter's mailing address.
 31 SECTION 17. IC 3-7-40-6, AS AMENDED BY P.L.64-2014,
 32 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2019]: Sec. 6. When notified by:
 34 (1) the NVRA official of a conversion from rural route addresses
 35 to numbered addresses under this chapter;
 36 **(2) the United States Postal Service of a conversion from rural**
 37 **route addresses to numbered addresses;**
 38 ~~(2)~~ **(3)** the United States Postal Service that mail delivery to postal
 39 boxes located in a United States Postal Service facility will be
 40 discontinued and replaced by residential delivery; or
 41 ~~(3)~~ **(4)** a local public official (or plan commission) under section
 42 3 of this chapter of:



- 1 (A) the naming or renaming of streets;
 2 (B) the numbering or renumbering of lots or structures; or
 3 (C) the conversion of rural route addresses to numbered
 4 addresses;
- 5 the county voter registration office shall, as soon as practicable, amend
 6 the entry for the voter in the computerized list under IC 3-7-26.3.
- 7 SECTION 18. IC 3-8-1-2, AS AMENDED BY P.L.74-2017,
 8 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 2. (a) This section does not apply to a candidate
 10 challenged under IC 3-8-8.
- 11 (b) The commission, a county election board, or a town election
 12 board shall act if a candidate (or a person acting on behalf of a
 13 candidate in accordance with state law) has filed any of the following:
 14 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
 15 (2) A request for ballot placement in a presidential primary under
 16 IC 3-8-3.
 17 (3) A petition of nomination or candidate's consent to nomination
 18 under IC 3-8-2.5 or IC 3-8-6.
 19 (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,
 20 IC 3-10-2-15, or IC 3-10-6-12.
 21 (5) A certificate of candidate selection under IC 3-13-1 or
 22 IC 3-13-2.
 23 (6) A declaration of intent to be a write-in candidate under
 24 IC 3-8-2-2.5.
 25 (7) A contest to the denial of certification under IC 3-8-2.5 or
 26 IC 3-8-6-12.
- 27 (c) The commission has jurisdiction to act under this section with
 28 regard to any filing described in subsection (b) that was made with the
 29 election division. Except for a filing under the jurisdiction of a town
 30 election board, a county election board has jurisdiction to act under this
 31 section with regard to any filing described in subsection (b) that was
 32 made with the county election board, county voter registration office,
 33 or the circuit court clerk. A town election board has jurisdiction to act
 34 under this section with regard to any filing that was made with the
 35 county election board, the county voter registration office, or the circuit
 36 court clerk for nomination or election to a town office.
- 37 (d) Except as provided in subsection (f), before the commission or
 38 election board acts under this section, a registered voter of the election
 39 district that a candidate seeks to represent or a county chairman of a
 40 major political party of a county in which any part of the election
 41 district is located must file a sworn statement **before a person**
 42 **authorized to administer oaths**, with the election division or election



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



- 1 commissioner must:
- 2 (1) have resided in the county for at least one (1) year before the
- 3 election, as provided in Article 6, Section 4 of the Constitution of
- 4 the State of Indiana; and
- 5 (2) have resided in the district in which seeking election, if
- 6 applicable, for at least six (6) months before the election.
- 7 (b) This subsection applies only to elections in a county in which a
- 8 single county executive under IC 36-2-2.5 is elected under
- 9 IC 3-10-2-13. A candidate for the office of single county executive
- 10 must have resided in the county for at least one (1) year before the
- 11 election, as provided in Article 6, Section 4 of the Constitution of the
- 12 State of Indiana.
- 13 SECTION 20. IC 3-8-2-12 IS REPEALED [EFFECTIVE JULY 1,
- 14 2019]. Sec. 12. (a) Not later than the close of one (1) business day after
- 15 a person files a declaration of candidacy in the office of the election
- 16 division or circuit court clerk, the election division or circuit court clerk
- 17 shall send a statement to the candidate by:
- 18 (1) hand delivery;
- 19 (2) first class United States mail; or
- 20 (3) electronic mail.
- 21 (b) The election division or circuit court clerk shall send the
- 22 statement (or a scanned copy of the statement, if the statement is sent
- 23 by electronic mail) to the mailing address or electronic mail address set
- 24 forth in the declaration of candidacy.
- 25 (c) The statement must show the following:
- 26 (1) That the candidate has filed a declaration.
- 27 (2) The name of the candidate.
- 28 (3) The office for which the individual is a candidate.
- 29 (4) The date on which the declaration was filed.
- 30 SECTION 21. IC 3-8-3-1 IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section applies to
- 32 candidates affiliated with a major political party of the state.
- 33 (b) A candidate of a major political party for nomination for the
- 34 office of President of the United States during the period under
- 35 IC 3-8-2-4 in which a declaration of candidacy may be filed for the
- 36 primary election held in the year in which a President is to be elected,
- 37 shall file with the election division a request that the candidate's name
- 38 be placed upon the ballot under the label of the political party whose
- 39 nomination the candidate is seeking.
- 40 (c) A candidate described under subsection (b) may, in the
- 41 alternative, file the request with the secretary of state. If the secretary
- 42 of state receives a request under this subsection, the secretary shall



1 immediately forward the request to the election division:

2 (d) Notwithstanding subsection (b), a request filed on the final day
3 permitted under subsection (b) must be filed with the secretary of state.
4 For all other purposes under this title, a request filed with the secretary
5 of state is subject to the same procedures and requirements as a request
6 filed with the election division:

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

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

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

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

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

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

33 SECTION 24. IC 3-8-5-2, AS AMENDED BY P.L.74-2017,
34 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 2. (a) A candidate for a town office may be
36 nominated by a major political party using any of the following
37 methods:

- 38 (1) By convention conducted under this chapter.
- 39 (2) By a primary election, if the town legislative body adopts an
40 ordinance under subsection (d).
- 41 (3) If a town convention or a primary election is not required
42 under section 10 of this chapter for the political party of which the



- 1 candidate is a member, by the candidate's declaration of
2 candidacy.
- 3 (b) Unless a town legislative body adopts an ordinance under
4 subsection (d), a town shall use the convention method described in
5 this chapter to nominate major political party candidates for town
6 offices.
- 7 (c) A candidate may also be nominated for a town office by:
8 (1) a declaration of write-in candidacy under IC 3-8-2-4;
9 (2) a town convention of a political party described in section 17
10 of this chapter; or
11 (3) a petition under IC 3-8-6.
- 12 (d) The town legislative body may adopt an ordinance not later than
13 January 1 of the year in which a municipal election is held to establish
14 a primary election for the nomination of major political party
15 candidates. The town clerk-treasurer shall ~~send~~ **file** a copy of the
16 ordinance ~~to~~ **with** the circuit court clerk of the county that contains the
17 greatest percentage of the town's population **not later than noon on**
18 **the first date following the adoption of the ordinance that a**
19 **declaration of candidacy may be filed under IC 3-8-2-4.**
- 20 (e) If a town described by section 1 of this chapter adopts an
21 ordinance under subsection (d) to nominate major political party
22 candidates by a primary election, the following apply:
23 (1) The county election board of the county that contains the
24 greatest percentage of the town's population shall conduct the
25 primary election for the town.
26 (2) All statutes governing primary elections for towns apply.
27 (3) The town may not change the method of nominating
28 candidates for town offices more than one (1) time in any twelve
29 (12) year period.
- 30 SECTION 25. IC 3-8-5-10.5, AS AMENDED BY P.L.74-2017,
31 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 10.5. (a) A person who desires to be
33 nominated for a town office by a major political party must file a
34 declaration of candidacy with the circuit court clerk of the county
35 containing the greatest percentage of population of the town.
- 36 (b) A declaration of candidacy must be filed:
37 (1) not earlier than the first date that a declaration of candidacy
38 for a primary election may be filed under IC 3-8-2-4; and
39 (2) not later than:
40 (A) noon August 1 before a municipal election if the town
41 nominates its candidates by convention; and
42 (B) the date that a declaration of candidacy must be filed under



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



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



1 office for which a per diem or salary is provided for by law is
 2 disqualified from filing a declaration of candidacy for another office for
 3 which a per diem or salary is provided for by law until the original
 4 declaration is withdrawn.

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

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

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

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

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

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

39 (b) The notice to withdraw must:

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

42 (2) have the certificate of acknowledgment appended to the



1 notice; and
 2 (3) be filed with the ~~board or~~ clerk no later than noon three (3)
 3 days following the adjournment of the convention.
 4 SECTION 27. IC 3-8-5-14.7 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. (a) All
 6 questions regarding the validity of:
 7 (1) a declaration of candidacy;
 8 (2) a petition of nomination; or
 9 (3) a certificate of nomination of a candidate by a town
 10 convention;
 11 subject to this chapter shall be filed under IC 3-8-1-2, **with the county**
 12 **election board of the county where the declaration of candidacy**
 13 **was filed**, not later than noon seven (7) days after the final date for
 14 filing a certificate under section 13(d) of this chapter. The question
 15 shall be referred to and determined by the town election board (or by
 16 the appropriate county election board if a county election board is
 17 conducting the election for the town).
 18 (b) The election board shall rule on the validity of any document
 19 described in subsection (a) not later than noon seven (7) days following
 20 the deadline for filing of the document required by subsection (a).
 21 (c) A question regarding the validity of a declaration to be a write-in
 22 candidate for election to a town office must be filed under IC 3-8-1-2
 23 not later than the date and time specified by IC 3-8-2-14(c), and shall
 24 be determined by the election board not later than the date and time
 25 specified by IC 3-8-2-14(c).
 26 SECTION 28. IC 3-8-5-15 IS REPEALED [EFFECTIVE JULY 1,
 27 2019]. ~~Sec. 15. A town clerk-treasurer shall preserve in the~~
 28 ~~clerk-treasurer's office:~~
 29 ~~(1) all certificates of nomination and declarations of candidacy~~
 30 ~~filed with the town clerk-treasurer under this chapter; and~~
 31 ~~(2) all petitions of nomination filed under IC 3-8-6-10;~~
 32 ~~for the period required under IC 3-10-1-31 or IC 3-10-1-31.1 after the~~
 33 ~~municipal election for which the nominations were made.~~
 34 SECTION 29. IC 3-8-6-10, AS AMENDED BY P.L.74-2017,
 35 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 10. (a) Except as provided in section 11 of
 37 this chapter, a petition of nomination must be submitted to the county
 38 voter registration office of each county in which the election district is
 39 located.
 40 (b) The petition must be filed during the period beginning on the
 41 first date that a declaration of candidacy for a primary election may be
 42 filed under IC 3-8-2-4 in the year in which the election will be held and



1 ending at noon June 30 before the election.

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

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

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

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

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

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

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

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

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

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

39 (2) Each candidate's residence address.

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



- 1 (4) The following statements:
 2 (A) A statement that the candidate has attached either of the
 3 following to the certificate:
 4 (i) A copy of a statement of economic interests, file stamped
 5 by the office required to receive the statement of economic
 6 interests.
 7 (ii) A receipt, ~~or~~ photocopy of a receipt, **or electronic mail**
 8 **from the office of the inspector general or judicial**
 9 **qualifications commission**, showing that a statement of
 10 economic interests has been filed.
 11 This requirement does not apply to a candidate for a federal
 12 office.
 13 (B) A statement that the candidate understands that if the
 14 candidate is elected to the office, the candidate may be
 15 required to obtain and file an individual surety bond before
 16 serving in the office. This requirement does not apply to a
 17 candidate for a federal office or legislative office.
 18 (C) A statement that the candidate understands that if the
 19 candidate is elected to the office, the candidate may be
 20 required to successfully complete training or have attained
 21 certification related to service in an elected office. This
 22 requirement does not apply to a candidate for a federal office,
 23 state office, or legislative office.
 24 (D) A statement that the candidate:
 25 (i) is aware of the provisions of IC 3-9 regarding campaign
 26 finance and the reporting of campaign contributions and
 27 expenditures; and
 28 (ii) agrees to comply with the provisions of IC 3-9.
 29 This requirement does not apply to a candidate for a federal
 30 office.
 31 The candidate must separately initial each of the statements
 32 required by this subdivision.
 33 (d) The election division shall prescribe the form of the certificate
 34 of nomination for the offices. The election division shall provide that
 35 the form of the certificate of nomination include the following
 36 information:
 37 (1) The dates for filing campaign finance reports under IC 3-9.
 38 (2) The penalties for late filing of campaign finance reports under
 39 IC 3-9.
 40 (e) A certificate of nomination must include a statement that the
 41 candidate requests the name on the candidate's voter registration record
 42 be the same as the name the candidate uses on the certificate of



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

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

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

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

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

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

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

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

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

41 (b) A candidate for a local office or school board office shall file a
 42 written statement of economic interests as provided in this chapter.



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

5 (1) With the individual's:

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

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

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

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

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

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

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

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

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

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

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

40 SECTION 36. IC 3-10-1-19, AS AMENDED BY P.L.21-2016,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 19. (a) The ballot for a primary election shall be



1 printed in substantially the form described in this section for all the
2 offices for which candidates have qualified under IC 3-8.

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

5 "OFFICIAL PRIMARY BALLOT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (The explanatory text for the public question,



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



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



- 1 **(A) the voter writes the voter's party on the poll list; or**
 2 **(B) the voter's party is entered into the electronic poll**
 3 **book;**
 4 **the voter may not change the choice of the voter's party.**
 5 (b) The poll clerks shall:
 6 (1) ask the voter to provide or update the voter's voter
 7 identification number;
 8 (2) tell the voter the number the voter may use as a voter
 9 identification number; and
 10 (3) explain to the voter that the voter is not required to provide a
 11 voter identification number at the polls.
 12 (c) If the voter is unable to sign the voter's name, the voter must sign
 13 the poll list by mark, which must be witnessed by one (1) of the poll
 14 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the
 15 poll clerk's or assistant poll clerk's initials after or under the mark.
 16 (d) The poll list (or each line on a poll list sheet provided to take a
 17 voter's current residence address) must include a box under the heading
 18 "Address Unchanged" so that the voter may check the box instead of
 19 writing the voter's current address on the poll list, or if an electronic
 20 poll book is used, the poll clerk may check the box after stating to the
 21 voter the address shown on the electronic poll book and receiving an
 22 oral affirmation from the voter that the voter's residence address shown
 23 on the poll list is the voter's current residence address instead of writing
 24 the voter's current residence address on the poll list or reentering the
 25 address in the electronic poll book.
 26 (e) If the voter makes:
 27 (1) a written affirmation on the poll list (or if an electronic poll
 28 book is used, a written affirmation in the manner described in
 29 IC 3-7-39-7) that the voter resides at an address within the
 30 precinct but not at the address shown on the poll list for the
 31 precinct; or
 32 (2) an oral affirmation of a change of address under IC 3-7-39-7;
 33 the county election board shall direct the county voter registration
 34 office to transfer the individual's voter registration record to the address
 35 within the precinct indicated by the voter.
 36 SECTION 38. IC 3-10-2-4, AS AMENDED BY P.L.74-2017,
 37 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: Sec. 4. United States Senators shall be elected at a
 39 general election held in accordance with 2 U.S.C. 1 and as follows:
 40 (1) One (1) in ~~2018~~ **2022** and every six (6) years thereafter.
 41 (2) One (1) in ~~2022~~ **2024** and every six (6) years thereafter.
 42 SECTION 39. IC 3-10-2-7, AS AMENDED BY P.L.216-2015,



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

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

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

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

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

37 SECTION 42. IC 3-10-6-2.5, AS AMENDED BY P.L.119-2012,
38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2019]: Sec. 2.5. (a) This section does not apply to a town
40 located wholly or partially within a county having a consolidated city
41 unless the town has a population of more than one thousand (1,000) but
42 less than one thousand four hundred (1,400).

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- 1 (b) This section applies to a town that has not adopted an ordinance:
- 2 (1) under IC 18-3-1-16(b) (before its repeal on September 1,
- 3 1981); or
- 4 (2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration
- 5 on January 1, 1988).
- 6 (c) Notwithstanding IC 3-10-6-6, a town may adopt an ordinance
- 7 during the year preceding a municipal election conducted under section
- 8 2 of this chapter prescribing the length of the term of office for town
- 9 legislative body members elected in the municipal election.
- 10 (d) The ordinance must provide that:
- 11 (1) no more than fifty percent (50%) of the members will be
- 12 elected for terms of three (3) years beginning at noon January 1
- 13 following the municipal election under section 2 of this chapter;
- 14 and
- 15 (2) the remainder of the members will be elected for terms of four
- 16 (4) years beginning at noon January 1 following the election.
- 17 (e) **An ordinance described in this section or an ordinance**
- 18 **repealing an ordinance described in this section is effective upon**
- 19 **filing the ordinance with the circuit court clerk of the county in**
- 20 **which the largest percentage of the town is located.**
- 21 SECTION 43. IC 3-10-6-3, AS AMENDED BY P.L.74-2017,
- 22 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2019]: Sec. 3. (a) Notwithstanding section 2 of this chapter,
- 24 in a town that adopted an ordinance under IC 18-3-1-16(b) (before its
- 25 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its
- 26 expiration on January 1, 1988), or section 2.5 of this chapter each
- 27 political party shall, at the primary election in:
- 28 (1) May ~~2018~~ **2022** and every four (4) years thereafter; and
- 29 (2) May ~~2019~~ **2023** and every four (4) years thereafter;
- 30 nominate candidates for the election to be held under section 6(a) of
- 31 this chapter, unless a primary election is not required under section 4
- 32 of this chapter. The primary election shall be conducted under this
- 33 chapter.
- 34 (b) Notwithstanding section 2 of this chapter, in a town that adopted
- 35 an ordinance under section 2.6 of this chapter each political party shall,
- 36 at the primary election in:
- 37 (1) May ~~2018~~ **2020** and every four (4) years thereafter; and
- 38 (2) May ~~2020~~ **2022** and every four (4) years thereafter;
- 39 nominate candidates for the election to be held under section 6(b) of
- 40 this chapter, unless a primary election is not required under section 4
- 41 of this chapter. The primary election shall be conducted under this
- 42 chapter.



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

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

- 14 (1) at the general election in November ~~2018~~ **2022** and every four
 15 (4) years thereafter; and
 16 (2) at the municipal election in November 2019 and every four (4)
 17 years thereafter;

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

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

- 24 (1) at the general election in November ~~2016~~ **2020** and every four
 25 (4) years thereafter; and
 26 (2) at the general election in November ~~2018~~ **2022** and every four
 27 (4) years thereafter;

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

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

38 SECTION 45. IC 3-10-7-5.7 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2019]: **Sec. 5.7. (a) This section does not apply in a county having
 41 a consolidated city.**

42 **(b) A town located wholly or partially within a county**



1 **designated as a vote center county under IC 3-11-18.1 may adopt**
 2 **a resolution to establish a town election board under this section.**

3 **(c) Notwithstanding IC 3-11-18.1, if the town adopts a resolution**
 4 **under this section, voters within the town are not subject to the**
 5 **requirements of the county voter center plan until the resolution**
 6 **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 3-10-9-3, AS AMENDED BY P.L.225-2011,
34 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2020]: Sec. 3. **(a) Except as otherwise specifically**
36 **provided by a statute, a local public question may be placed on the**
37 **ballot only at the following elections:**

- 38 (1) **A primary election in a year a general election is held.**
39 (2) **A general election.**
40 (3) **A primary election in a year a municipal election is held,**
41 **but only if the election district for the public question is**
42 **contained entirely within a municipality.**



- 1 **(4) A municipal general election, but only if the election**
 2 **district for the public question is contained entirely within a**
 3 **municipality.**
- 4 **(5) A special election if specifically permitted by law.**
- 5 **(b) If a local public question must be certified to an election board**
 6 **by law, that certification must occur ~~no~~ not later than noon:**
- 7 (1) seventy-four (74) days before a primary election if the public
 8 question is to be placed on the primary or municipal primary
 9 election ballot; or
- 10 (2) August 1 if the public question is to be placed on the general
 11 or municipal election ballot.
- 12 SECTION 51. IC 3-10-9-4 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The public question
 14 shall be placed on the ballot in substantially the following form:
 15 (The explanatory text for the public question, if required by law):
 16 "Shall (insert public question)?"
- 17 YES
 18 NO
- 19 **(b) A public question printed on a ballot shall be set forth**
 20 **without any quotation marks preceding or following the text of the**
 21 **public question.**
- 22 SECTION 52. IC 3-11-1.5-3.1 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2019]: Sec. 3.1. (a) Except as provided in
 25 subsection (b), after June 30, 2019, a county may not establish a
 26 precinct under this chapter so that any precinct has less than six
 27 hundred (600) active voters.
- 28 **(b) A county may establish a precinct having less than six**
 29 **hundred (600) active voters if either of the following apply:**
- 30 (1) The precinct to be established would consist of an entire:
 31 (A) county commissioner district;
 32 (B) county council district;
 33 (C) township;
 34 (D) city;
 35 (E) town;
 36 (F) city common council district; or
 37 (G) town council district.
- 38 (2) Establishing the precinct is required so that a boundary of
 39 a governmental entity or election district described in section
 40 4 of this chapter is not crossed.
- 41 SECTION 53. IC 3-11-1.5-18, AS AMENDED BY P.L.164-2006,
 42 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 18. (a) If the election division determines that the
 2 proposed precinct establishment order would comply with this chapter,
 3 the election division shall issue an order authorizing the county
 4 executive to establish the proposed precincts.

5 (b) The order issued by the election division under subsection (a)
 6 must state that the election division finds that the proposed precincts
 7 would comply with the standards set forth in this chapter. The election
 8 division shall promptly provide a copy of the order to the county
 9 executive.

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

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

15 (2) That any registered voter of the county may object to the
 16 proposed order by filing a sworn statement with the election
 17 division setting forth the voter's specific objections to the
 18 proposed order and requesting that a hearing be conducted by the
 19 commission under IC 4-21.5.

20 (3) The mailing address of the election division.

21 (4) The deadline for filing the objection with the election division
 22 under this section.

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

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

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

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

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

41 (2) without sufficient time for a county or an objector to receive
 42 notice of a hearing before the commission concerning an



1 objection before the next period specified under section 25 of this
 2 chapter begins;
 3 the co-directors may request a hearing before the commission under
 4 section 21 of this chapter, ~~and~~ notify the county executive of the
 5 request, **and publication under subsection (c) is not required.**

6 SECTION 54. IC 3-11-1.5-27 IS REPEALED [EFFECTIVE JULY
 7 1, 2019]. Sec: 27: (a) ~~Not later than fourteen (14) days following notice~~
 8 ~~of final approval of a precinct establishment order by the commission~~
 9 ~~under section 18(f) of this chapter, the county executive shall give~~
 10 ~~notice of the approval by one (1) publication under IC 5-3-1-4.~~

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

13 SECTION 55. IC 3-11-1.5-28 IS REPEALED [EFFECTIVE JULY
 14 1, 2019]. Sec: 28: ~~The notice published under section 27 of this chapter~~
 15 ~~must include the following:~~

16 (1) ~~A list of the precincts established by the order and the polling~~
 17 ~~places designated for the precincts.~~

18 (2) ~~The date the order was issued by the county executive.~~

19 (3) ~~The date the order was approved by the commission.~~

20 (4) ~~The effective date of the order.~~

21 (5) ~~A statement that the maps, legal descriptions, and estimated~~
 22 ~~voter population of the established precincts are on file for public~~
 23 ~~inspection in:~~

24 (A) ~~the office of the county auditor; or~~

25 (B) ~~in a county with a consolidated city, in the office of the~~
 26 ~~board of registration.~~

27 SECTION 56. IC 3-11-1.5-29 IS REPEALED [EFFECTIVE JULY
 28 1, 2019]. Sec: 29: ~~The county executive shall file one (1) copy of the~~
 29 ~~order approved under this chapter with each of the following not later~~
 30 ~~than forty-five (45) days after the notice is published under section 27~~
 31 ~~of this chapter:~~

32 (1) ~~The county voter registration office.~~

33 (2) ~~The county auditor.~~

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

41 (1) Ratification of a state constitutional amendment.

42 (2) Local public questions.



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

3 (b) The name or title of the political party or independent ticket
4 described in section 6 of this chapter shall be placed on the general
5 election ballot after the public questions described in subsection (a).
6 The device of the political party or independent ticket shall be placed
7 immediately under the name of the political party or independent ticket.
8 The instructions for voting a straight party ticket shall be placed to the
9 right of the device, if instructions are printed on the ballot.

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

12 "(1) To vote a straight (insert political party name) ticket for all
13 (insert political party name) candidates on this ballot, except for
14 candidates described in (2) below, make a voting mark on or in
15 this circle and do not make any other marks on this ballot.

16 (2) To vote for any candidate for an at-large office (insert county
17 council, city common council, town council, or township board if
18 those offices appear on this ballot) **to which more than one**
19 **person may be elected**, you must make another voting mark for
20 each candidate you wish to vote for. Your straight party vote will
21 not count as a vote for any candidate for that office.

22 (3) If you wish to vote for a candidate seeking a nonpartisan office
23 or on a public question, you must make another voting mark on
24 the appropriate place on this ballot."

25 (d) Except as permitted under section 8(b) of this chapter, if the
26 ballot contains an independent ticket described in section 6 of this
27 chapter and at least one (1) other independent candidate, the ballot
28 must also contain a statement that reads substantially as follows: "A
29 vote cast for an independent ticket will only be counted for the
30 candidates for President and Vice President or governor and lieutenant
31 governor comprising that independent ticket. This vote will NOT be
32 counted for any OTHER independent candidate appearing on the
33 ballot."

34 (e) Except as permitted under section 8(b) of this chapter, the ballot
35 must also contain a statement that reads substantially as follows: "A
36 write-in vote will NOT be counted unless the vote is for a DECLARED
37 write-in candidate. To vote for a write-in candidate, you must make a
38 voting mark on or in the square to the left of the name you have written
39 in or your vote will not be counted."

40 (f) Subject to section 10.1 of this chapter, the list of candidates of
41 the political party shall be placed immediately under the instructions
42 for voting a straight party ticket. The names of the candidates shall be



1 placed three-fourths (3/4) of an inch apart from center to center of the
 2 name. The name of each candidate must have, immediately on its left,
 3 a square three-eighths (3/8) of an inch on each side.

4 (g) The circuit court clerk may authorize the printing of ballots
 5 containing a ballot variation code to ensure that the proper version of
 6 a ballot is used within a precinct.

7 SECTION 58. IC 3-11-2-12, AS AMENDED BY HEA 1005-2019,
 8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 12. The following offices shall be placed on the
 10 general election ballot in the following order after the public questions
 11 described in section 10(a) of this chapter:

12 (1) Federal and state offices:

- 13 (A) President and Vice President of the United States.
- 14 (B) United States Senator.
- 15 (C) Governor and lieutenant governor.
- 16 (D) Secretary of state.
- 17 (E) Auditor of state.
- 18 (F) Treasurer of state.
- 19 (G) Attorney general.
- 20 (H) United States Representative.

21 (2) Legislative offices:

- 22 (A) State senator.
- 23 (B) State representative.

24 (3) Circuit offices and county judicial offices:

- 25 (A) Judge of the circuit court, and unless otherwise specified
 26 under IC 33, with each division separate if there is more than
 27 one (1) judge of the circuit court.
- 28 (B) Judge of the superior court, and unless otherwise specified
 29 under IC 33, with each division separate if there is more than
 30 one (1) judge of the superior court.
- 31 (C) Judge of the probate court.
- 32 (D) Prosecuting attorney.
- 33 (E) Clerk of the circuit court.

34 (4) County offices:

- 35 (A) County auditor.
- 36 (B) County recorder.
- 37 (C) County treasurer.
- 38 (D) County sheriff.
- 39 (E) County coroner.
- 40 (F) County surveyor.
- 41 (G) County assessor.
- 42 (H) County commissioner. This clause applies only to a county



- 1 that is not subject to IC 36-2-2.5.
 2 (†) Single county executive. This clause applies only to a
 3 county that is subject to IC 36-2-2.5.
 4 (†) (I) County council member, except as provided in section
 5 12.4 of this chapter.
 6 (5) Township offices:
 7 (A) Township assessor (only in a township referred to in
 8 IC 36-6-5-1(d)).
 9 (B) Township trustee.
 10 (C) Township board member, except as provided in section
 11 12.4 of this chapter.
 12 (D) Judge of the small claims court.
 13 (E) Constable of the small claims court.
 14 (6) City offices:
 15 (A) Mayor.
 16 (B) Clerk or clerk-treasurer.
 17 (C) Judge of the city court.
 18 (D) City-county council member or common council member,
 19 except as provided in section 12.4 of this chapter.
 20 (7) Town offices:
 21 (A) Clerk-treasurer.
 22 (B) Judge of the town court.
 23 (C) Town council member, except as provided in section 12.4
 24 of this chapter.
 25 SECTION 59. IC 3-11-2-16, AS AMENDED BY P.L.194-2013,
 26 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 16. (a) If an election board determines that a
 28 ballot printed under the authority of the election board does not comply
 29 with a requirement imposed by this title or contains any other error or
 30 omission that might result in confusion or mistakes by voters, the board
 31 shall:
 32 (1) reprint or correct the ballot; or
 33 (2) conduct a public hearing concerning the defective ballots.
 34 (b) The board may conduct the hearing after informing each
 35 political party, ticket, or candidate that the board determines may have
 36 an interest in the matter.
 37 (c) At the hearing, the board shall hear any testimony offered by a
 38 person concerning the defective ballots and shall make findings of fact
 39 concerning the following:
 40 (1) The number of ballots, if any, containing the error or omission
 41 that have already been cast.
 42 (2) The cost of correcting the error through the use of reprinted



1 ballots or any other suitable method.
 2 (3) Whether the error or omission would be likely to cause
 3 confusion or mistakes by voters.
 4 (4) Whether any voter objects to the use of the ballots,
 5 notwithstanding the error or omission.
 6 (d) If:
 7 (1) a voter does not file a written objection to the use of the
 8 ballots with the board before the board concludes the hearing; and
 9 (2) the board determines that the use of the ballots would not be
 10 likely to cause confusion or mistakes by voters;
 11 the board shall authorize the use of the defective ballots,
 12 notwithstanding the error or omission.
 13 (e) If:
 14 (1) a voter files a written objection to the use of the ballots with
 15 the board before the board concludes the hearing; or
 16 (2) the board determines that the use of the ballots would be likely
 17 to cause confusion or mistakes by voters;
 18 the board shall order the ballots to be reprinted or altered to conform
 19 with the requirements of this title.
 20 (f) If the board acts under subsection (a) or (e), a voter who has
 21 already voted a defective ballot by absentee ballot is entitled to recast
 22 the voter's ballot in accordance with ~~IC 3-11-10-1.5~~ or IC 3-11.5-4-2.
 23 Notwithstanding the issuance of an order under subsection (e), a
 24 defective ballot shall be counted if the intent of the voter can be
 25 determined and the ballot would otherwise be counted under IC 3-12-1.
 26 SECTION 60. IC 3-11-3-29.3, AS AMENDED BY P.L.169-2015,
 27 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2019]: Sec. 29.3. (a) This section applies to a candidate who
 29 has filed with the secretary of state or election division as a candidate
 30 for nomination in a primary election.
 31 (b) If the election division determines that a candidate for
 32 nomination in a primary has died, the division shall:
 33 (1) not include the name of the candidate in the certification
 34 transmitted to the county under IC 3-8-2-17; or
 35 (2) if the certification to the county has already been transmitted,
 36 notify the county election board of each county to which the
 37 candidate's name has been previously certified.
 38 (c) The county election board shall not print the name of a deceased
 39 candidate described in subsection (b) on a primary ballot. However, if
 40 the county election board has already printed ballots containing the
 41 name of the deceased candidate, the county may provide those ballots
 42 to voters and shall not reprint the ballot to remove the name of the



1 deceased candidate.

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

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

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

13 (1) nomination in a primary election or municipal primary
14 election; or

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

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

20 (c) However, if the county election board has already printed ballots
21 containing the name of the deceased candidate, the county may provide
22 those ballots to voters and shall not reprint the ballot to remove the
23 name of the deceased candidate.

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

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

30 SECTION 62. IC 3-11-3-29.5, AS AMENDED BY P.L.201-2017,
31 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2019]: Sec. 29.5. (a) This section applies to a general or
33 special election in which the name of a candidate appears on the ballot.
34 This section does not apply to an election for presidential electors.

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

38 (1) the candidate's party does not fill the vacancy under IC 3-13-1
39 or IC 3-13-2 not later than noon, five (5) days before the election;
40 and

41 (2) when a candidate has died, the election board:

42 (A) receives a certificate of death issued under IC 16-37-3 not



- 1 later than noon the seventh day before the election; or
 2 (B) votes unanimously by the entire membership that there is
 3 good cause to believe that the candidate has died.
 4 (c) The election board shall provide the number of ballots necessary
 5 to reflect a vacancy to the following:
 6 (1) The absentee voter board.
 7 (2) The inspector of each precinct in which the candidate is on the
 8 ballot.
 9 (3) The circuit court clerk.
 10 (d) **If the election board reprints ballots under subsection (b),**
 11 the election board may order the printing of new ballots that omit the
 12 name of a candidate described in subsection (b). A ballot printed under
 13 this subsection must contain the statement "NO CANDIDATE" or
 14 "CANDIDATE DECEASED" or words to that effect at the appropriate
 15 position on the ballot.
 16 (e) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled
 17 after noon five (5) days before the election, the election board is not
 18 required to reprint ballots to remove the name of an individual who is
 19 no longer a candidate but may do so upon the vote of the election
 20 board.
 21 SECTION 63. IC 3-11-4-2, AS AMENDED BY P.L.169-2015,
 22 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: Sec. 2. (a) A voter who wants to vote by absentee
 24 ballot must apply to the county election board for an official absentee
 25 ballot. Except as provided in subsection (b), the voter must sign the
 26 absentee ballot application.
 27 (b) If a voter with disabilities is unable to sign the absentee ballot
 28 application and the voter has not designated an individual to serve as
 29 attorney in fact for the voter, the voter may designate an individual
 30 eligible to assist the voter under IC 3-11-9-2(a) to sign the application
 31 on behalf of the voter and add the individual's name to the application.
 32 If an individual applies for an absentee ballot as the properly
 33 authorized attorney in fact for a voter, the attorney in fact must attach
 34 a copy of the power of attorney to the application and comply with
 35 subsection (d).
 36 (c) A person may provide an individual with an application for an
 37 absentee ballot with the following information already printed or
 38 otherwise set forth on the application when provided to the individual:
 39 (1) The name of the individual.
 40 (2) The voter registration address of the individual.
 41 (3) The mailing address of the individual.
 42 (4) The date of birth of the individual.



1 (d) A person may not provide an individual with an application for
 2 an absentee ballot with the following information already printed or
 3 otherwise set forth on the application when provided to the individual:

4 (1) The address to which the absentee ballot would be mailed, if
 5 different from the voter registration address of the individual.

6 (2) In a primary election, the major political party ballot requested
 7 by the individual.

8 (3) In a primary or general election, the types of absentee ballots
 9 requested by the individual.

10 (4) The reason why the individual is entitled to vote an absentee
 11 ballot:

12 (A) by mail; or

13 (B) before an absentee voter board (other than an absentee
 14 voter board located in the office of the circuit court clerk or a
 15 satellite office);

16 in accordance with IC 3-11-4-18, IC 3-11-10-24, or
 17 IC 3-11-10-25.

18 (5) The voter identification number of the individual.

19 (e) If the county election board determines that an absentee ballot
 20 application does not comply with subsection (d), the board shall deny
 21 the application under section 17.5 of this chapter.

22 (f) A person who assists an individual in completing any
 23 information described in subsection (d) on an absentee ballot
 24 application shall state under the penalties for perjury the following
 25 information on the application:

26 (1) The full name, residence and mailing address, and daytime
 27 and evening telephone numbers (if any) of the person providing
 28 the assistance.

29 (2) The date this assistance was provided.

30 (3) That the person providing the assistance has complied with
 31 Indiana laws governing the submission of absentee ballot
 32 applications.

33 (4) That the person has no knowledge or reason to believe that the
 34 individual submitting the application:

35 (A) is ineligible to vote or to cast an absentee ballot; or

36 (B) did not properly complete and sign the application.

37 When providing assistance to an individual, the person must, in the
 38 individual's presence and with the individual's consent, provide the
 39 information listed in subsection (d) if the individual is unable to do so.

40 (g) This subsection does not apply to an employee of the United
 41 States Postal Service or a bonded courier company acting in the
 42 individual's capacity as an employee of the United States Postal Service



1 or a bonded courier company. A person who receives a completed
 2 absentee ballot application from the individual who has applied for the
 3 absentee ballot shall indicate on the application the date the person
 4 received the application, and file the application with the appropriate
 5 county election board **or election division** not later than:

- 6 (1) noon ten (10) days after the person receives the application;
 7 or
 8 (2) the deadline set by Indiana law for filing the application with
 9 the board;

10 whichever occurs first. The election division, a county election board,
 11 or a board of elections and registration shall forward an absentee ballot
 12 application to the county election board or board of elections and
 13 registration of the county where the individual resides.

14 (h) This subsection does not apply to an employee of the United
 15 States Postal Service or a bonded courier company acting in the
 16 individual's capacity as an employee of the United States Postal Service
 17 or a bonded courier company, or to the election division, a county
 18 election board, or a board of elections and registration. A person filing
 19 an absentee ballot application, other than the person's own absentee
 20 ballot application, must ~~sign~~ **include** an affidavit ~~at the time of filing~~
 21 ~~the application:~~ **with the application. The affidavit must be signed**
 22 **by the individual who received the completed application from the**
 23 **applicant.** The affidavit must be in a form prescribed by the election
 24 division. The form must include the following:

- 25 (1) A statement of the full name, residence and mailing address,
 26 and daytime and evening telephone numbers (if any) of the person
 27 submitting the application.
 28 (2) A statement that the person filing the affidavit has complied
 29 with Indiana laws governing the submission of absentee ballot
 30 applications.
 31 (3) The date (or dates) that the absentee ballot applications
 32 attached to the affidavit were received.
 33 (4) A statement that the person has no knowledge or reason to
 34 believe that the individual whose application is to be filed:
 35 (A) is ineligible to vote or to cast an absentee ballot; or
 36 (B) did not properly complete and sign the application.
 37 (5) A statement that the person is executing the affidavit under the
 38 penalties of perjury.
 39 (6) A statement setting forth the penalties for perjury.

40 (i) The county election board shall record the date and time of the
 41 filing of the affidavit.

42 SECTION 64. IC 3-11-4-17.7, AS AMENDED BY SEA 558-2019,

ES 560—LS 7331/DI 75



1 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 17.7. (a) This section applies when a voter:

- 3 (1) has been mailed the official ballot under this chapter; and
4 (2) notifies the county election board that:
5 (A) the ballot has been destroyed, spoiled, lost, or not received
6 by the voter after a reasonable time has elapsed for delivery of
7 the ballot by mail;
8 (B) the absentee ballot does not bear the bipartisan initials
9 required under section 19 of this chapter; or
10 (C) the absentee ballot envelope was not signed by the voter.

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

18 (c) After a voter files the statement required under subsection (b),
19 the circuit court clerk shall do the following:

- 20 (1) Place the written request with the absentee voter's original
21 ballot.
22 (2) Mark "canceled" on the envelope containing the original
23 ballot.
24 (3) Preserve the original ballot with the other defective ballots.
25 (4) Deliver a new ballot to the absentee voter.

26 **(d) If a voter requests a replacement ballot for a primary**
27 **election, the county election board may not provide the voter with**
28 **a primary election ballot for a political party different from the**
29 **political party indicated in the voter's application for an absentee**
30 **ballot.**

31 ~~(d)~~ (e) After receiving the official replacement ballot, the voter shall
32 destroy any spoiled ballot in the possession of the voter or any lost or
33 delayed official ballot that comes into the possession of the voter.

34 SECTION 65. IC 3-11-4-22 IS REPEALED [EFFECTIVE JULY 1,
35 2019]. Sec. 22. Each circuit court clerk shall do both of the following:

- 36 (1) Keep a separate absentee ballot record for each precinct in the
37 county.
38 (2) Certify to each inspector, at the time that the absentee ballots
39 are delivered, all the following:
40 (A) The number of absentee ballots sent to each absentee
41 voter.
42 (B) The number of absentee ballots marked before the clerk.



- 1 (☺) The names of the voters to whom the ballots were sent or
2 who marked ballots in person.
- 3 SECTION 66. IC 3-11-7-4, AS AMENDED BY P.L.201-2017,
4 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (b), a
6 ballot card voting system must permit a voter to vote:
- 7 (1) except at a primary election, a straight party ticket for all of
8 the candidates of one (1) political party by a single voting mark
9 on each ballot card;
- 10 (2) for one (1) or more candidates of each political party or
11 independent candidates, or for one (1) or more school board
12 candidates nominated by petition;
- 13 (3) a split ticket for the candidates of different political parties
14 and for independent candidates; or
- 15 (4) a straight party ticket and then split that ticket by casting
16 individual votes for candidates of another political party or
17 independent candidate.
- 18 (b) A ballot card voting system must require that a voter who wishes
19 to cast a ballot for a candidate for election to an at-large district **to**
20 **which more than one person may be elected**, on a:
- 21 (1) county council;
- 22 (2) city common council;
- 23 (3) town council; or
- 24 (4) township board;
- 25 make a voting mark for each individual candidate for whom the voter
26 wishes to cast a vote. The ballot card voting system may not count any
27 straight party ticket voting mark as a vote for any candidate for an
28 office described by this subsection.
- 29 (c) A ballot card voting system must permit a voter to vote:
- 30 (1) for all candidates for presidential electors and alternate
31 presidential electors of a political party or an independent ticket
32 by making a single voting mark; and
- 33 (2) for or against a public question on which the voter may vote.
- 34 SECTION 67. IC 3-11-7.5-10, AS AMENDED BY P.L.201-2017,
35 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2019]: Sec. 10. (a) Except as provided in subsection (b), an
37 electronic voting system must permit a voter to vote:
- 38 (1) except at a primary election, a straight party ticket for all the
39 candidates of one (1) political party by touching the device of that
40 party;
- 41 (2) for one (1) or more candidates of each political party or
42 independent candidates, or for one (1) or more school board



1 candidates nominated by petition;

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

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

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

10 (1) county council;

11 (2) city common council;

12 (3) town council; or

13 (4) township board;

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

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

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

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

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

26 SECTION 68. IC 3-11-8-3.2, AS AMENDED BY P.L.225-2011,
27 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 3.2. (a) A county **executive election board** shall
29 give ten (10) days notice of the place of voting in each precinct by
30 publication in the manner prescribed by IC 5-3-1-4. The notice must
31 state whether the polls are located in an accessible facility.

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

36 (c) If the county election board determines by a unanimous vote of
37 the board's entire membership that the use of a polling place at an
38 election would be dangerous or impossible, the county election board
39 may order the relocation of the polling place during the final two (2)
40 days before an election. The county election board shall give the best
41 possible notice of this change to news media and the voters of the
42 precinct. If an order is adopted under this subsection, the order expires



1 after the election.

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

6 SECTION 69. IC 3-11-8-4.3, AS AMENDED BY P.L.230-2005,
 7 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2019]: Sec. 4.3. (a) If the county election board adopts an
 9 order by the unanimous vote of the entire membership of the board, the
 10 county **executive election board** may locate the polls for the precinct
 11 at the polls for an adjoining precinct, using the precinct election board
 12 of the adjoining precinct.

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

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

20 SECTION 70. IC 3-11-8-7, AS AMENDED BY P.L.74-2017,
 21 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]: Sec. 7. In preparing the polls for an election, the county
 23 **executive election board** shall:

24 (1) have placed within the room a railing separating the part of the
 25 room to be occupied by the precinct election board from that part
 26 of the room to be occupied by the ballot card voting systems,
 27 electronic voting systems, and the three (3) or more booths or
 28 compartments for marking paper ballots, whenever either or two
 29 (2) of these voting systems are used;

30 (2) ensure that the portion of the room set apart for the precinct
 31 election board includes a designated area before the voter
 32 approaches the precinct election board at which each voter
 33 appears for challenge; and

34 (3) provide a method or material for designating the boundaries
 35 of the chute, such as a railing, rope, or wire on each side,
 36 beginning a distance equal to the length of the chute (as defined
 37 in IC 3-5-2-10) away from and leading to the door for entering the
 38 room in which the election is held.

39 SECTION 71. IC 3-11-8-8 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** The polls in
 41 each precinct open at 6 a.m. and close at 6 p.m. on election day.

42 **(b) A county election board or a board of elections and**



1 **registration does not have the power to extend the hours that the**
 2 **polls are to be open in any precinct or vote center of the county.**

3 SECTION 72. IC 3-11-8-25.2, AS AMENDED BY SEA 558-2019,
 4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall
 6 examine the list provided under IC 3-7-29-1 to determine if the county
 7 election board has indicated that the voter is required to provide
 8 additional personal identification under 52 U.S.C. 21083 and
 9 IC 3-7-33-4.5 before voting in person. If the list ~~(or a certification~~
 10 ~~concerning absentee voters under IC 3-11-10-12)~~ indicates that the
 11 voter is required to present this identification before voting in person,
 12 the poll clerk shall advise the voter that the voter must present, in
 13 addition to the proof of identification required by section 25.1(a) of this
 14 chapter, a piece of identification described in subsection (b) to the poll
 15 clerk.

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

- 21 (1) A current and valid photo identification.
- 22 (2) A current utility bill.
- 23 (3) A current bank statement.
- 24 (4) A current government check.
- 25 (5) A current paycheck.
- 26 (6) A current government document.

27 The document presented by the voter must show the name and
 28 residence address of the voter.

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

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

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

41 SECTION 73. IC 3-11-10-1.5 IS REPEALED [EFFECTIVE JULY
 42 1, 2019]. ~~Sec. 1-5: (a) This section applies to a voter:~~

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

3 (A) ceases to be a candidate; and

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

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

7 (b) If:

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

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

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

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

17 (1) Place the written request with the absentee voter's original
18 ballots.

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

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

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

22 SECTION 74. IC 3-11-10-3 IS REPEALED [EFFECTIVE JULY 1,
23 2019]. Sec. 3. A county election board must receive an absentee ballot
24 in time for the board to deliver the ballot to the precinct election board
25 of the voter's precinct before the closing of the polls on election day.

26 SECTION 75. IC 3-11-10-4, AS AMENDED BY P.L.198-2005,
27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 4. (a) Upon receipt of an absentee ballot, a county
29 election board (or the absentee voter board in the office of the circuit
30 court clerk) shall immediately examine the signature of the absentee
31 voter to determine its genuineness.

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

39 (c) This subsection applies to an absentee ballot cast by a voter
40 permitted to transmit the voter's absentee ballots by fax or electronic
41 mail under IC 3-11-4-6. The board shall compare the signature as it
42 appears on the affidavit transmitted with the voter's absentee ballot to



1 the voter's signature as it appears on the application for the absentee
2 ballot. The board may also compare the signature on the affidavit with
3 any other admittedly genuine signature of the voter.

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

8 SECTION 76. IC 3-11-10-5 IS REPEALED [EFFECTIVE JULY 1,
9 2019]. Sec. 5: If a county election board unanimously finds that the
10 signature on a ballot envelope or transmitted affidavit is not genuine;
11 the board shall write upon the ballot envelope or transmitted affidavit
12 the words "The county election board has questioned the genuineness
13 of the signature of this voter.". These ballots shall be delivered to the
14 polls on election day under section 12 of this chapter with instructions
15 to verify the voter's signature under section 15 of this chapter.

16 SECTION 77. IC 3-11-10-6 IS REPEALED [EFFECTIVE JULY 1,
17 2019]. Sec. 6: If a county election board is unable to unanimously
18 determine whether the signature on a ballot envelope is genuine, the
19 board shall write upon the ballot envelope or transmitted affidavit the
20 words "Signature Disputed". The board then shall deliver all disputed
21 ballot envelopes, together with any evidence of a documentary nature
22 presented before the board, to the proper precinct at the same time that
23 undisputed ballots are delivered.

24 SECTION 78. IC 3-11-10-7 IS REPEALED [EFFECTIVE JULY 1,
25 2019]. Sec. 7: After receipt of disputed ballots under section 6 of this
26 chapter, a precinct election board shall determine whether each
27 disputed ballot will be voted or rejected.

28 SECTION 79. IC 3-11-10-8 IS REPEALED [EFFECTIVE JULY 1,
29 2019]. Sec. 8: (a) If a county election board (or the absentee voter
30 board in the office of the circuit court clerk) unanimously finds that the
31 signature on a ballot envelope or transmitted affidavit is genuine, the
32 board shall enclose immediately the accepted and unopened ballot
33 envelope together with the voter's application for the absentee ballot in
34 a carrier envelope. The board may enclose in the same carrier envelope
35 all absentee ballot envelopes and voter applications to be transmitted
36 to the same precinct.

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

41 SECTION 80. IC 3-11-10-9 IS REPEALED [EFFECTIVE JULY 1,
42 2019]. Sec. 9: Each circuit court clerk shall keep all accepted ballot



1 envelopes securely in the clerk's office until they are delivered to the
2 proper precincts in accordance with section 12 of this chapter:

3 SECTION 81. IC 3-11-10-11, AS AMENDED BY P.L.221-2005,
4 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 11. (a) On election day each circuit court clerk (or
6 an agent of the clerk) shall visit the appropriate post office to accept
7 delivery of absentee envelopes at the latest possible time that will
8 permit delivery of the ballots to the appropriate precinct election boards
9 before 6 p.m.

10 (b) Not later than noon on election day, the county voter registration
11 office shall visit the appropriate post office to accept delivery of mail
12 containing documentation submitted by a voter to comply with
13 IC 3-7-33-4.5. The office shall immediately notify the county election
14 board regarding the filing of this documentation. to permit the board to
15 provide certification of this filing to the appropriate precinct election
16 boards before 6 p.m.

17 SECTION 82. IC 3-11-10-12 IS REPEALED [EFFECTIVE JULY
18 1, 2019]. Sec. 12. (a) Except as provided in section 12.5 of this chapter,
19 each county election board shall have all absentee ballots delivered to
20 the precinct election boards at their respective polls on election day:

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

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

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

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

33 (d) If the county election board is notified not later than 3 p.m. on
34 election day by the county voter registration office that a voter subject
35 to IC 3-7-33-4.5 and not identified in the list certified under subsection
36 (c) has filed documentation with the office that complies with
37 IC 3-7-33-4.5; the county election board shall transmit a supplemental
38 certified list to the appropriate precinct election board. If the board
39 determines that the supplemental list may not be received before the
40 closing of the polls; the board shall:

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



1 (2) file a copy of the supplemental list for that precinct as part of
 2 the permanent records of the board:

3 SECTION 83. IC 3-11-10-12.5 IS REPEALED [EFFECTIVE JULY
 4 1, 2019]. Sec. 12.5: (a) This section applies to absentee ballots cast:

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

6 (2) on a direct record electronic voting system:

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

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

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

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

35 (d) This section does not require a county election board to count
 36 absentee ballots not described in subsection (a) at a central location
 37 under this section or IC 3-11.5:

38 SECTION 84. IC 3-11-10-13 IS REPEALED [EFFECTIVE JULY
 39 1, 2019]. Sec. 13: The appointed members of the county election board
 40 or members of the absentee voter boards established under section 36
 41 of this chapter shall deliver the absentee ballots under section 12 of this
 42 chapter. The delivery of the absentee ballots must be at all times under



1 the combined control of members of both political parties represented
 2 on the county election board. Upon delivery of absentee ballots to a
 3 precinct election board, the inspector shall sign a receipt for the ballots.

4 SECTION 85. IC 3-11-10-14 IS REPEALED [EFFECTIVE JULY
 5 1, 2019]. Sec. 14. Subject to IC 3-10-8-7.5; IC 3-12-1-17; and section
 6 11 of this chapter, absentee ballots received by mail (or by fax or
 7 electronic mail under IC 3-11-4-6) after the county election board has
 8 started the final delivery of the ballots to the precincts on election day
 9 are considered as arriving too late and need not be delivered to the
 10 polls.

11 SECTION 86. IC 3-11-10-15 IS REPEALED [EFFECTIVE JULY
 12 1, 2019]. Sec. 15. At any time between the opening and closing of the
 13 polls on election day, the inspector, in the presence of the precinct
 14 election board, shall do all of the following:

15 (1) Open the outer or carrier envelope containing an absentee
 16 ballot envelope and application.

17 (2) Announce the absentee voter's name.

18 (3) Compare the signature upon the application with the signature
 19 upon the affidavit on the ballot envelope or transmitted affidavit
 20 attached to the ballot envelope.

21 SECTION 87. IC 3-11-10-16 IS REPEALED [EFFECTIVE JULY
 22 1, 2019]. Sec. 16. (a) If the inspector finds under section 15 of this
 23 chapter that:

24 (1) the affidavit is properly executed;

25 (2) the signatures correspond;

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

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

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

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

35 then the inspector shall open the envelope containing the absentee
 36 ballots so as not to deface or destroy the affidavit and take out each
 37 ballot enclosed without unfolding or permitting a ballot to be unfolded
 38 or examined.

39 (b) The inspector shall then hand the ballots to the judges who shall
 40 deposit the ballots in the proper ballot box. The inspector shall mark
 41 the poll list in the presence of the poll clerks to indicate that the voter
 42 has voted by absentee ballot. If the voter has registered and voted under



1 IC 3-7-36-14, the inspector shall attach to the poll list the circuit court
2 clerk's certification that the voter has registered:

3 SECTION 88. IC 3-11-10-16.5 IS REPEALED [EFFECTIVE JULY
4 1, 2019]. Sec. 16.5: If the inspector finds under section 16(a) of this
5 chapter that the voter has not filed the additional information required
6 to be filed with the county voter registration office under IC 3-7-33-4.5;
7 but that all of the other findings listed under section 16(a) of this
8 chapter apply, the inspector shall direct that the absentee ballot be
9 processed as a provisional ballot under IC 3-11-7.

10 SECTION 89. IC 3-11-10-17 IS REPEALED [EFFECTIVE JULY
11 1, 2019]. Sec. 17: (a) If the inspector finds under section 15 of this
12 chapter that any of the following applies, a ballot may not be accepted
13 or counted:

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

16 (A) the two (2) members of the absentee voter board in the
17 office of the circuit court clerk under IC 3-11-4-19 or section
18 27 of this chapter;

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

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

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

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

27 (4) The absentee voter has not registered.

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

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

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

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

42 (b) Subsection (c) applies whenever a voter with a disability is



- 1 unable to make a signature:
- 2 (1) on an absentee ballot application that corresponds to the
- 3 voter's signature in the records of the county voter registration
- 4 office; or
- 5 (2) on an absentee ballot secrecy envelope that corresponds with
- 6 the voter's signature:
- 7 (A) in the records of the county voter registration office; or
- 8 (B) on the absentee ballot application:
- 9 (c) The voter may request that the voter's signature or mark be
- 10 attested to by:
- 11 (1) the absentee voter board under section 25(b) of this chapter;
- 12 (2) a member of the voter's household; or
- 13 (3) an individual serving as attorney in fact for the voter.
- 14 (d) An attestation under subsection (c) provides an adequate basis
- 15 for an inspector to determine that a signature or mark complies with
- 16 subsection (a)(2):
- 17 SECTION 90. IC 3-11-10-18 IS REPEALED [EFFECTIVE JULY
- 18 1, 2019]. Sec. 18: Each ballot not accepted or counted for any of the
- 19 reasons prescribed by section 17 of this chapter shall, without being
- 20 unfolded to disclose how it is marked, be endorsed with the words:
- 21 "Rejected (giving the reason or reasons therefor)": All rejected
- 22 absentee ballots shall be enclosed and securely sealed in an envelope
- 23 on which the inspector shall write the words: "Defective absentee
- 24 ballots". The inspector shall also identify the precinct and the date of
- 25 the election on the envelope containing the rejected ballots. The
- 26 defective absentee ballots shall be returned to the same officer and in
- 27 the same manner as prescribed by this title for the return and
- 28 preservation of official ballots cast and uncast at the election.
- 29 SECTION 91. IC 3-11-10-20 IS REPEALED [EFFECTIVE JULY
- 30 1, 2019]. Sec. 20: Before depositing an absentee ballot in a ballot box,
- 31 the inspector shall:
- 32 (1) notify the challengers and the pollbook holders that the
- 33 inspector is about to deposit an absentee ballot; and
- 34 (2) provide the challengers and pollbook holders with the name
- 35 and address of the absentee voter so that the voter may be
- 36 challenged under this article.
- 37 SECTION 92. IC 3-11-10-21 IS REPEALED [EFFECTIVE JULY
- 38 1, 2019]. Sec. 21: The vote of an absentee voter may be challenged at
- 39 the polls for the reason that the absentee voter is not a legal voter of the
- 40 precinct where the ballot is being cast. The challenge under this section
- 41 regarding the absentee ballot must be determined by the county
- 42 election board using the procedures for counting a provisional ballot



1 under IC 3-11-7.

2 SECTION 93. IC 3-11-10-22 IS REPEALED [EFFECTIVE JULY
3 1, 2019]. Sec. 22: (a) If an absentee ballot is challenged under section
4 21 of this chapter, the absentee voter's application for an absentee
5 ballot shall be considered as the affidavit required to be made by a
6 voter when challenged at the polls while voting in person.

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

10 (c) An absentee voter is not required to provide proof of
11 identification.

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

17 SECTION 94. IC 3-11-10-23 IS REPEALED [EFFECTIVE JULY
18 1, 2019]. Sec. 23: If proof is given to a precinct election board that an
19 absentee voter marked and forwarded an absentee ballot but died
20 before election day, then the inspector shall return the ballot of the
21 deceased voter with the other defective ballots to the officer issuing the
22 ballots. However, the casting of an absentee ballot by a deceased voter
23 does not invalidate an election.

24 SECTION 95. IC 3-11-10-24, AS AMENDED BY P.L.169-2015,
25 SECTION 119, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) Except as provided in
27 subsection (b), a voter who satisfies any of the following is entitled to
28 vote by mail:

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

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

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

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

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

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

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



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



- 1 (1) The name and residence address of the voter whose absentee
2 ballot is being delivered.
- 3 (2) A statement of the full name, residence and mailing address,
4 and daytime and evening telephone numbers (if any) of the
5 individual delivering the absentee ballot.
- 6 (3) A statement indicating whether the individual delivering the
7 absentee ballot is a member of the voter's household or is the
8 attorney in fact for the voter. If the individual is the attorney in
9 fact for the voter, the individual must attach a copy of the power
10 of attorney for the voter, unless a copy of this document has
11 already been filed with the county election board.
- 12 (4) The date and location at which the absentee ballot was
13 delivered by the voter to the individual delivering the ballot to the
14 county election board.
- 15 (5) A statement that the individual delivering the absentee ballot
16 has complied with Indiana laws governing absentee ballots.
- 17 (6) A statement that the individual delivering the absentee ballot
18 is executing the affidavit under the penalties of perjury.
- 19 (7) A statement setting forth the penalties for perjury.
- 20 (e) The county election board shall record the date and time that the
21 affidavit under subsection (d) was filed with the board.
- 22 (f) After a voter has mailed or delivered an absentee ballot to the
23 office of the circuit court clerk, the voter may not recast a ballot, except
24 as provided in ~~section 1-5 of this chapter~~. **IC 3-11.5-4-2.**
- 25 SECTION 96. IC 3-11-10-26, AS AMENDED BY SEA 558-2019,
26 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2019]: Sec. 26. (a) This subsection applies to all counties,
28 except for a county to which IC 3-6-5.2 applies. As an alternative to
29 voting by mail, a voter is entitled to cast an absentee ballot before an
30 absentee voter board at any of the following:
- 31 (1) One (1) location of the office of the circuit court clerk
32 designated by the circuit court clerk.
- 33 (2) A satellite office established under section 26.3 of this
34 chapter.
- 35 (b) This subsection applies to a county to which IC 3-6-5.2 applies.
36 As an alternative to voting by mail, a voter is entitled to cast an
37 absentee ballot before an absentee voter board at any of the following:
- 38 (1) The office of the board of elections and registration.
- 39 (2) A satellite office established under section 26.3 of this
40 chapter.
- 41 (c) Except for a location designated under subsection (a)(1), a
42 location of the office of the circuit court clerk must be established as



1 a satellite office under section 26.3 of this chapter in order to be used
 2 as a location at which a voter is entitled to cast an absentee ballot
 3 before an absentee voter board under this section.

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

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

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

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

18 (B) Sign the electronic poll book.

19 (C) Provide proof of identification.

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

24 (A) Sign the electronic poll book.

25 (B) Provide proof of identification.

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

27 (e) The county election board may:

28 (1) prescribe an affidavit that includes a unique identifier; or

29 (2) establish a procedure to produce a document, label, or
 30 electronic record that is associated with each voter and includes
 31 a unique identifier;

32 to comply with section 26.2(c)(3) of this chapter. After the county
 33 election board approves an affidavit or procedure described in this
 34 subsection and before the affidavit or procedure is used in an election,
 35 the county election board shall file a copy of the affidavit or a brief
 36 description of the procedure with the election division to assist the state
 37 recount commission in conducting proceedings under IC 3-12-11.

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



- 1 the day on which the voter registration period closes.
- 2 (g) An absent uniformed services voter who is eligible to vote by
3 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
4 may vote before the board not earlier than twenty-eight (28) days
5 before the election and not later than noon on election day. If the close
6 of a voter registration period is transferred under IC 3-5-4-1.5 from
7 twenty-nine (29) days to a later date due to the Columbus Day holiday,
8 the voter may vote before the board on the first day following the day
9 on which the voter registration period closes. If a voter described by
10 this subsection wishes to cast an absentee ballot during the period
11 beginning at noon on the day before election day and ending at noon on
12 election day, the county election board or absentee voter board may
13 receive and process the ballot at a location designated by resolution of
14 the county election board.
- 15 (h) The absentee voter board in the office of the circuit court clerk
16 must permit voters to cast absentee ballots under this section for at
17 least seven (7) hours on each of the two (2) Saturdays preceding
18 election day.
- 19 (i) Notwithstanding subsection (h), in a county with a population of
20 less than twenty thousand (20,000), the absentee voter board in the
21 office of the circuit court clerk, with the approval of the county election
22 board, may reduce the number of hours available to cast absentee
23 ballots under this section to a minimum of four (4) hours on each of the
24 two (2) Saturdays preceding election day.
- 25 (j) As provided by 52 U.S.C. 21081, a voter casting an absentee
26 ballot under this section must be:
- 27 (1) permitted to verify in a private and independent manner the
28 votes selected by the voter before the ballot is cast and counted;
29 (2) provided with the opportunity to change the ballot or correct
30 any error in a private and independent manner before the ballot is
31 cast and counted, including the opportunity to receive a
32 replacement ballot if the voter is otherwise unable to change or
33 correct the ballot; and
- 34 (3) notified before the ballot is cast regarding the effect of casting
35 multiple votes for the office and provided an opportunity to
36 correct the ballot before the ballot is cast and counted.
- 37 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is
38 provided under this section, the board must also provide the voter with:
- 39 (1) information concerning the effect of casting multiple votes for
40 an office; and
- 41 (2) instructions on how to correct the ballot before the ballot is
42 cast and counted, including the issuance of replacement ballots.



1 (l) If:

2 (1) the voter is unable or declines to present the proof of
3 identification; or

4 (2) a member of the board determines that the proof of
5 identification provided by the voter does not qualify as proof of
6 identification under IC 3-5-2-40.5;

7 the voter shall be permitted to cast a provisional ballot.

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

10 **(n) In a primary election, a voter casting an absentee ballot**
11 **under this chapter may not change the voter's choice of the voter's**
12 **political party after the voter has been mailed or otherwise**
13 **provided with a primary ballot containing the candidates of that**
14 **party.**

15 SECTION 97. IC 3-11-10-26.5, AS AMENDED BY P.L.219-2013,
16 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2019]: Sec. 26.5. (a) This section applies to:

18 (1) a municipal election;

19 (2) a primary conducted in a municipal election year; and

20 (3) a special election conducted under IC 3-10-8.

21 (b) Notwithstanding section 26 of this chapter, a county election
22 board (or a town election board acting under IC 3-10-7) may adopt a
23 resolution by the unanimous vote of the board's entire membership
24 stating that voters are entitled to vote by absentee ballot before an
25 absentee voter board in the office of the circuit court clerk or town
26 election board during specific days and hours identified in the
27 resolution.

28 (c) If the election board adopts a resolution under subsection (b), the
29 board must include written findings of fact in the resolution stating:

30 (1) the number of absentee ballot applications anticipated or
31 previously received for the election;

32 (2) the expense to be incurred by providing absentee ballot voting
33 in the office during the entire period required under section 26 of
34 this chapter; and

35 (3) that voters would experience little or no inconvenience by
36 restricting absentee ballot voting in the office to the days and
37 hours specified in the resolution.

38 ~~(d) This subsection does not apply to an absentee ballot challenged~~
39 ~~under IC 3-11-4-18.5 until the challenge has been decided by the~~
40 ~~election board. If the election board adopts a resolution under~~
41 ~~subsection (b), an absentee ballot requested to be mailed to a voter~~
42 ~~shall be mailed:~~



1 (1) on the first business day that a voter is entitled to vote by
 2 absentee ballot before an absentee voter board in the office of the
 3 election board following receipt of the voter's application;

4 (2) not more than five (5) days after the date of delivery of the
 5 ballots under IC 3-11-4-15; or

6 (3) on the day of the receipt of the voter's application;

7 whichever is the latest.

8 (e) This subsection does not apply to an absentee ballot application
 9 challenged under IC 3-11-4-18.5 until the challenge has been decided
 10 by the election board. If the absentee ballot is requested by an absent
 11 uniformed services voter or an overseas voter, the absentee ballot shall
 12 be transmitted:

13 (1) not more than five (5) days after the date of delivery of the
 14 ballots under IC 3-11-4-15; or

15 (2) on the day of the receipt of the voter's application;

16 whichever is later.

17 SECTION 98. IC 3-11-10-34 IS REPEALED [EFFECTIVE JULY
 18 1, 2019]. Sec. 34: If an envelope containing an absentee ballot has been
 19 marked "Rejected as defective" and the voter appears in person at the
 20 precinct before the polls close, the voter may vote as any other voter
 21 voting in person:

22 SECTION 99. IC 3-11-10-35 IS REPEALED [EFFECTIVE JULY
 23 1, 2019]. Sec. 35: (a) This section does not apply to an absentee ballot
 24 required to be treated as a provisional ballot under IC 3-11-7.

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

28 SECTION 100. IC 3-11-10-37 IS REPEALED [EFFECTIVE JULY
 29 1, 2019]. Sec. 37: (a) Not later than noon fifty (50) days before election
 30 day, each county election board shall notify the county chairmen of the
 31 two (2) political parties that have appointed members on the county
 32 election board of the number of absentee voter boards to be appointed
 33 under section 36 of this chapter:

34 (b) The county chairmen shall make written recommendations for
 35 the appointments to the county election board not later than noon
 36 forty-six (46) days before election day. The county election board shall
 37 make the appointments as recommended. If a county chairman fails to
 38 make any recommendations, then the county election board may
 39 appoint any voters of the county who comply with section 36 of this
 40 chapter:

41 SECTION 101. IC 3-11-10-38 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 38. The voters



1 appointed to the absentee voter boards under section 36 of this chapter
2 shall be compensated in the following manner:

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

6 (2) The boards that are assigned to the circuit court clerk's office
7 ~~during the period from thirty (30) days before election day~~
8 ~~through the day before election day~~ are entitled to a per diem set
9 ~~by the county executive.~~ **or a satellite facility under**
10 **IC 3-11-10-26 or IC 3-11-10-26.3 are entitled to a per diem at**
11 **a rate set by the county fiscal body.**

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

15 SECTION 102. IC 3-11-11-1.9 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.9. (a) Before the
17 opening of the polls, the precinct election board shall compare the
18 ballots with the sample ballots and determine whether the names,
19 numbers, and letters are in agreement. The board then shall certify that
20 the ballots and the sample ballots are in agreement. Forms shall be
21 provided for certification, and the certification shall be filed with the
22 election returns.

23 (b) The inspector of each precinct, or a person under the direction
24 of the inspector, shall post sample ballots near the entrance of the chute
25 for the precinct. The ballots must be available for public inspection
26 throughout election day.

27 **(c) This subsection applies to a county using vote centers. Not**
28 **later than the first date that a voter may cast a ballot at a vote**
29 **center, the county election board shall do both of the following:**

30 **(1) Make the comparison between the sample ballots, regular**
31 **official ballots, and provisional ballots described in subsection**

32 **(a).**

33 **(2) Certify that the ballots are in agreement.**

34 **A copy of the certification shall be entered into the minutes of the**
35 **county election board.**

36 **(d) This subsection applies to a county using vote centers. The**
37 **county election board shall do both of the following:**

38 **(1) Have copies of each sample ballot for each precinct**
39 **available for inspection by a voter at each vote center.**

40 **(2) Post a notice in the vote center stating that sample ballots**
41 **are available for inspection upon request by the voter.**

42 SECTION 103. IC 3-11-11-3 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. At the opening of the
 2 polls, after the organization of and in the presence of the precinct
 3 election board, the inspector shall:

- 4 (1) open the packages of ballots in a manner that preserves the
 5 seals intact;
- 6 (2) deliver twenty-five (25) of each of the ~~state and local~~ ballots
 7 to the poll clerk of the opposite political party; and
- 8 (3) deliver to the other poll clerk a pen for marking the ballots.

9 SECTION 104. IC 3-11-11-17 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. **(a)** After
 11 voting, a voter shall leave the polls. ~~However, a voter to whom ballots~~
 12 ~~and a pencil have been delivered may not leave the polls without:~~

- 13 ~~(1) voting the ballots or returning them to the poll clerk; and~~
- 14 ~~(2) returning the pencil to the poll clerk from whom the voter~~
 15 ~~received it.~~

16 **(b) If a voter leaves the booth without casting a ballot, a precinct**
 17 **election official shall:**

- 18 **(1) attempt to advise the voter not to leave the polls because**
 19 **the voter's ballot has not been cast; and**
- 20 **(2) permit the voter to return to the booth to complete the**
 21 **process of casting the voter's ballot.**

22 **(c) If the voter has left the polls, or declines to return to the**
 23 **booth, the inspector shall direct both judges to enter into the booth**
 24 **and return the voter's ballot to the inspector. Upon receiving the**
 25 **voter's ballot the inspector shall deposit the voter's ballot in the**
 26 **ballot box.**

27 **(d) After the voter's ballot has been deposited in the ballot box,**
 28 **the judges and the inspector shall promptly complete a form**
 29 **prescribed under IC 3-5-4-8 containing the following information:**

- 30 **(1) The name of the voter who left the polls without**
 31 **completing the process of casting a ballot if the voter's name**
 32 **is known.**
- 33 **(2) The approximate time that the voter left the polls.**
- 34 **(3) Whether the voter was advised that the voter could return**
 35 **to the booth to complete the casting of the ballot.**
- 36 **(4) A statement made under the penalties for perjury**
 37 **indicating that:**
 - 38 **(A) the judges gave the voter's ballot to the inspector;**
 - 39 **(B) the inspector deposited the voter's ballot in the ballot**
 40 **box; and**
 - 41 **(C) the judges and the inspector did not make any**
 42 **alteration to the choices made by the voter.**



- 1 **The form must be signed by the inspector and both judges.**
2 SECTION 105. IC 3-11-13-11, AS AMENDED BY P.L.21-2016,
3 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 11. (a) The ballot information, whether placed on
5 the ballot card or on the marking device, must be in the order of
6 arrangement provided for ballots under this section.
7 (b) Each county election board shall have the names of all
8 candidates for all elected offices, political party offices, and public
9 questions printed on a ballot card as provided in this chapter. The
10 county may:
11 (1) print all offices and questions on a single ballot card; and
12 (2) include a ballot variation code to ensure that the proper
13 version of a ballot is used within a precinct.
14 (c) Each type of ballot card must be of uniform size and of the same
15 quality and color of paper (except as permitted under IC 3-10-1-17).
16 (d) The nominees of a political party or an independent candidate
17 or independent ticket (described in IC 3-11-2-6) nominated by
18 petitioners shall be listed on the ballot with the name and device set
19 forth on the certification or petition. The circle containing the device
20 may be of any size that permits a voter to readily identify the device.
21 IC 3-11-2-5 applies if the certification or petition does not include a
22 name or device, or if the same device is selected by two (2) or more
23 parties or petitioners.
24 (e) The offices and public questions on the general election ballot
25 must be placed on the ballot in the order listed in IC 3-11-2-12,
26 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),
27 IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c),
28 IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions
29 may be listed in a continuous column either vertically or horizontally
30 and on a number of separate pages.
31 (f) The name of each office must be printed in a uniform size in bold
32 type. A statement reading substantially as follows must be placed
33 immediately below the name of the office and above the name of the
34 first candidate:
35 (1) "Vote for one (1) only.", if only one (1) candidate is to be
36 elected to the office.
37 (2) "Vote for not more than (insert the number of candidates to be
38 elected) candidate(s) for this office. To vote for any candidate for
39 this office, you must make a voting mark for each candidate you
40 wish to vote for. A straight party vote will not count as a vote for
41 any candidate for this office.", if more than one (1) candidate is to
42 be elected to the office.



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

4 (1) The major political party whose candidate received the highest
 5 number of votes in the county for secretary of state at the last
 6 election is listed first.

7 (2) The major political party whose candidate received the second
 8 highest number of votes in the county for secretary of state is
 9 listed second.

10 (3) All other political parties listed in the order that the parties'
 11 candidates for secretary of state finished in the last election are
 12 listed after the party listed in subdivision (2).

13 (4) If a political party did not have a candidate for secretary of
 14 state in the last election or a nominee is an independent candidate
 15 or independent ticket (described in IC 3-11-2-6), the party or
 16 candidate is listed after the parties described in subdivisions (1),
 17 (2), and (3).

18 (5) If more than one (1) political party or independent candidate
 19 or ticket described in subdivision (4) qualifies to be on the ballot,
 20 the parties, candidates, or tickets are listed in the order in which
 21 the party filed its petition of nomination under IC 3-8-6-12.

22 (6) A space for write-in voting is placed after the candidates listed
 23 in subdivisions (1) through (5), if required by law.

24 (7) The name of a write-in candidate may not be listed on the
 25 ballot.

26 (h) The names of the candidates grouped in the order established by
 27 subsection (g) must be printed in type with uniform capital letters and
 28 have a uniform space between each name. The name of the candidate's
 29 political party, or the word "Independent" if the:

30 (1) candidate; or

31 (2) ticket of candidates for:

32 (A) President and Vice President of the United States; or

33 (B) governor and lieutenant governor;

34 is independent, must be placed immediately below or beside the name
 35 of the candidate and must be printed in a uniform size and type.

36 (i) All the candidates of the same political party for election to
 37 at-large seats on the fiscal or legislative body of a political subdivision
 38 must be grouped together:

39 (1) under the name of the office that the candidates are seeking;

40 (2) in the order established by subsection (g); and

41 (3) within the political party, in alphabetical order according to
 42 surname.



1 A statement reading substantially as follows must be placed
 2 immediately below the name of the office and above the name of the
 3 first candidate: "Vote for not more than (insert the number of
 4 candidates to be elected) candidate(s) of ANY party for this office."

5 (j) Candidates for election to at-large seats on the governing body
 6 of a school corporation must be grouped:

7 (1) under the name of the office that the candidates are seeking;
 8 and

9 (2) in alphabetical order according to surname.

10 A statement reading substantially as follows must be placed
 11 immediately below the name of the office and above the name of the
 12 first candidate: "Vote for not more than (insert the number of
 13 candidates to be elected) candidate(s) for this office."

14 (k) The following information must be placed at the top of the ballot
 15 before the first public question is listed:

16 (1) The cautionary statement described in IC 3-11-2-7.

17 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
 18 and IC 3-11-2-10(e).

19 (l) The ballot must include a single connectable arrow, circle, oval,
 20 or square, or a voting position for voting a straight party or an
 21 independent ticket (described in IC 3-11-2-6) by one (1) mark as
 22 required by section 14 of this chapter, and the single connectable
 23 arrow, circle, oval, or square, or the voting position for casting a
 24 straight party or an independent ticket ballot must be identified by:

25 (1) the name of the political party or independent ticket
 26 (described in IC 3-11-2-6); and

27 (2) immediately below or beside the political party's or
 28 independent ticket's name, the device of that party or ticket
 29 (described in IC 3-11-2-5).

30 The name and device of each political party or independent ticket must
 31 be of uniform size and type and arranged in the order established by
 32 subsection (g) for listing candidates under each office. The instructions
 33 described in IC 3-11-2-10(c) for voting a straight party ticket and the
 34 statement concerning presidential electors required under IC 3-10-4-3
 35 may be placed on the ballot **beside or above the names and devices**
 36 **label or in a location** within the voting booth in a location that permits
 37 the voter to easily read the instructions.

38 (m) A public question must be in the form described in
 39 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable
 40 arrow, a circle, or an oval may be used instead of a square. Except as
 41 expressly authorized or required by statute, a county election board
 42 may not print a ballot card that contains language concerning the public



1 question other than the language authorized by a statute.

2 (n) The requirements in this section:

3 (1) do not replace; and

4 (2) are in addition to;

5 any other requirements in this title that apply to optical scan ballots.

6 (o) The procedure described in IC 3-11-2-16 must be used when a
7 ballot does not comply with the requirements imposed by this title or
8 contains another error or omission that might result in confusion or
9 mistakes by voters.

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

12 (1) the names of political parties or candidates; or

13 (2) the text of public questions;

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

17 SECTION 106. IC 3-11-13-18, AS AMENDED BY P.L.128-2015,
18 SECTION 189, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) Except as provided in
20 subsection (d), the county election board in a county using a ballot card
21 voting system shall provide ballot cards to the precinct election board
22 that permit voters to cast write-in votes for each officer to be voted for
23 at that election.

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

25 (1) designed to be folded; or

26 (2) accompanied by a secrecy envelope;

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

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

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

37 (1) there are no declared write-in candidates for that office; or

38 (2) the marking device allows for entry of a write-in candidate
39 that can be read by a tabulator.

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

42 SECTION 107. IC 3-11-13-22, AS AMENDED BY SEA 570-2019,

ES 560—LS 7331/DI 75



1 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 22. (a) This section applies to:

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

6 (b) Not later than seventy-four (74) days before election day, for
7 each county planning to use automatic tabulating machines at the next
8 election, VSTOP shall provide each county election board with two (2)
9 lists of unique identification numbers for the machines to be tested by
10 the county. The number of machines selected in each list must be:

- 11 (1) approved by the division; and
12 (2) not less than five percent (5%) of the machines in the county.

13 (c) The county election board shall test the machines in the first list
14 described in subsection (b) to ascertain that the machines will correctly
15 count the votes cast for straight party tickets, for all candidates
16 (including write-in candidates), and on all public questions. If an
17 individual attending the public test requests that additional automatic
18 tabulating machines be tested, then the county election board shall test
19 machines from the second list described in subsection (b).

20 (d) If VSTOP does not provide the lists under subsection (b) not
21 later than sixty (60) days before the election, the county election board
22 shall establish and implement a procedure for random selection of not
23 less than five percent (5%) of the machines in the county. The county
24 election board shall then test the machines selected as described in
25 subsection (c).

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

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

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

- 35 (1) a ballot:
36 (A) must be reprinted or corrected as provided by
37 IC 3-11-2-16 because of the omission of a candidate, political
38 party, or public question from the ballot; or
39 (B) is an absentee ballot that a voter is entitled to recast under
40 ~~IC 3-11-10-1.5~~ **IC 3-11.5-4-2** because the absentee ballot
41 includes a candidate for election to office who:
42 (i) ceased to be a candidate; and



- 1 (ii) has been succeeded by a candidate selected under
 2 IC 3-13-1 or IC 3-13-2; and
 3 (2) ballots used in the test conducted under this section were not
 4 reprinted or corrected to remove the omission of a candidate,
 5 political party, or public question, or indicate the name of the
 6 successor candidate;
 7 the county election board shall conduct an additional public test
 8 described in subsection (c) using the reprinted or corrected ballots.
 9 Notice of the time and place of the additional test shall be given in
 10 accordance with IC 5-14-1.5, but publication of the notice in
 11 accordance with IC 5-3-1-4 is not required.
- 12 SECTION 108. IC 3-11-13-27, AS AMENDED BY P.L.221-2005,
 13 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 27. (a) After the delivery of a ballot card
 15 voting system to a precinct, the precinct election board may meet at the
 16 polls on the same day and open the package containing the sample
 17 ballot cards, to determine whether the system is ready for use in
 18 accordance with section 16 of this chapter. If a ballot card voting
 19 system is not in compliance with that section, the board shall
 20 immediately label, set and adjust, and place the system in order or have
 21 it done.
- 22 (b) While acting under subsection (a), the precinct election board
 23 may restrict access to parts of the room where marking devices and
 24 other election material are being handled to safeguard this material.
- 25 (c) On the morning of election day, the precinct election officers
 26 shall meet at the polls at least one (1) hour before the time for opening
 27 the polls. The inspector then shall have:
- 28 (1) the boundaries of the chute designated;
 29 (2) the sample ballots and instruction cards posted; and
 30 (3) everything put in readiness for the commencement of voting
 31 at the opening of the polls.
- 32 (d) Before the opening of the polls, the precinct election officers
 33 shall do the following:
- 34 (1) Compare the ballot cards used in the marking device with the
 35 sample ballots furnished and determine whether the names,
 36 numbers, and letters are in agreement.
 37 (2) Determine that the system records that zero (0) votes have
 38 been cast for each candidate and on each public question.
 39 (3) Assure that the system is otherwise in perfect order.
- 40 (e) The officers then shall certify that:
- 41 (1) the marking device and the sample ballots are in agreement;
 42 (2) the system records zero (0) votes cast; and



1 (3) the system appears to be in perfect order.
 2 Forms shall be provided for certification, and the certification shall be
 3 filed with the election returns.

4 **(f) This subsection applies to a county using vote centers. Not**
 5 **later than the first date that a voter may cast a ballot at a vote**
 6 **center, the county election board shall do both of the following:**

7 **(1) Make the comparison between the sample ballots, regular**
 8 **official ballots, and provisional ballots as provided in**
 9 **subsection (d).**

10 **(2) Certify that the ballots are in agreement.**

11 **A copy of the certification shall be entered into the minutes of the**
 12 **county election board.**

13 **(g) This subsection applies to a county using vote centers. The**
 14 **county election board shall do both of the following:**

15 **(1) Have copies of each sample ballot for each precinct**
 16 **available for inspection by a voter at each vote center.**

17 **(2) Post a notice in the vote center stating that sample ballots**
 18 **are available for inspection upon request by the voter.**

19 SECTION 109. IC 3-11-13-28.1, AS ADDED BY P.L.76-2014,
 20 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 28.1. (a) This section does not apply:

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

23 (2) in a ~~vote center~~ county using an electronic poll book and a
 24 printer separate from the electronic poll book.

25 (b) Except as provided in subsection (c), the two (2) poll clerks of
 26 each precinct shall place their initials in ink on the back of each ballot
 27 card:

28 (1) at the time the card is issued to a voter; or

29 (2) in the case of a ballot marked by a marking device for an
 30 optical scan ballot, before the ballot is placed into the tabulating
 31 device.

32 The initials must be in the poll clerks' ordinary handwriting or printing
 33 and without a distinguishing mark of any kind.

34 (c) In a ~~vote center~~ county using an electronic poll list and a printer
 35 separate from the electronic poll list, the printed initials of the poll
 36 clerks captured through the electronic signature pad or tablet at the
 37 time the poll clerks log into the electronic poll book system may be
 38 printed by a printer separate from the electronic poll list on the back of
 39 each ballot card immediately before the ballot card is delivered to the
 40 voter.

41 (d) Except as provided in IC 3-12-1-12, a ballot card is not valid
 42 unless, immediately before the ballot card is delivered to the voter:



- 1 (1) the ballot card is initialed by both poll clerks; or
 2 (2) the initials of both poll clerks are printed on the back of the
 3 ballot card in accordance with subsection (c).
- 4 SECTION 110. IC 3-11-13-33, AS AMENDED BY P.L.221-2005,
 5 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 33. (a) After a voter has marked a ballot card,
 7 the voter shall place it inside the envelope provided for this purpose or
 8 fold the **envelope ballot** described in section 18(b)(1) of this chapter
 9 and return the ballot card to the judge.
- 10 (b) The judge shall offer to return the envelope with the ballot card
 11 inside to the voter. The voter shall:
- 12 (1) accept the envelope and deposit it in the ballot box; or
 13 (2) decline the envelope and require the judge to deposit it in the
 14 ballot box.
- 15 (c) If a voter offers to vote a ballot card that is not inside the
 16 envelope provided for this purpose or with the **envelope ballot** not
 17 folded if ~~the ballot is~~ **as** described in section 18(b)(1) of this chapter,
 18 the precinct election board shall direct the voter to return to the booth
 19 and place the ballot card in the envelope provided for this purpose or
 20 fold the envelope. **After voting, a voter shall leave the polls.**
- 21 **(d) If a voter leaves the booth without casting a ballot, a precinct**
 22 **election official shall:**
- 23 (1) attempt to advise the voter not to leave the polls because
 24 the voter's ballot has not been cast; and
 25 (2) permit the voter to return to the booth to complete the
 26 process of casting the voter's ballot.
- 27 **(e) If the voter has left the polls, or declines to return to the**
 28 **booth, the inspector shall direct both judges to do the following:**
- 29 (1) Enter into the booth and place the voter's ballot inside the
 30 envelope provided or fold the ballot as described in section
 31 18(b)(1) of this chapter.
 32 (2) Give the envelope or folded ballot to the inspector.
- 33 **The inspector shall then deposit the voter's ballot in the ballot box.**
- 34 **(f) After the voter's ballot has been deposited in the ballot box,**
 35 **the judges and the inspector shall promptly complete a form**
 36 **prescribed under IC 3-5-4-8 containing the following information:**
- 37 (1) The name of the voter who left the polls without
 38 completing the process of casting a ballot if the voter's name
 39 is known.
 40 (2) The approximate time that the voter left the polls.
 41 (3) Whether the voter was advised that the voter could return
 42 to the booth to complete the casting of the ballot.



1 **(4) A statement made under the penalties for perjury**
 2 **indicating that:**

3 **(A) the judges gave the voter's ballot to the inspector;**

4 **(B) the inspector deposited the voter's ballot in the ballot**
 5 **box; and**

6 **(C) the judges and the inspector did not make any**
 7 **alteration to the choices made by the voter.**

8 **The form must be signed by both judges and the inspector.**

9 ~~(d)~~ **(g)** After a voter's ballot cards have been deposited in the ballot
 10 box, the poll clerks shall make a voting mark after the voter's name on
 11 the poll list.

12 ~~(e)~~ After voting, a voter shall leave the polls. However, a voter to
 13 whom ballot cards and a marking device have been delivered may not
 14 leave the polls without voting the ballot cards or returning them to the
 15 poll clerk from whom the voter received them.

16 SECTION 111. IC 3-11-14-17 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Before the
 18 opening of the polls, each precinct election board shall:

19 (1) compare the ballot label on each electronic voting system with
 20 the sample ballot to see that it is correct;

21 (2) see that the system records zero (0) votes for each candidate
 22 and on each public question; and

23 (3) see that the system is otherwise in perfect order.

24 (b) After the system is in perfect order for voting, the precinct
 25 election board may not permit the counters to be operated except by
 26 voters in voting. The board then shall certify that the ballot labels and
 27 the sample ballots are in agreement. Forms shall be provided for
 28 certification, and the certification shall be filed with the election
 29 returns.

30 **(c) This subsection applies to a county using vote centers. Not**
 31 **later than the first date that a voter may cast a ballot at a vote**
 32 **center, the county election board shall do both of the following:**

33 **(1) Make the comparison between the sample ballots, regular**
 34 **official ballots, and provisional ballots described in subsection**

35 **(a).**

36 **(2) Certify that the ballots are in agreement.**

37 **A copy of the certification shall be entered into the minutes of the**
 38 **county election board.**

39 **(d) This subsection applies to a county using vote centers. The**
 40 **county election board shall do both of the following:**

41 **(1) Have copies of each sample ballot for each precinct**
 42 **available for inspection by a voter at each vote center.**



- 1 **(2) Post a notice in the vote center stating that sample ballots**
 2 **are available for inspection upon request by the voter.**
 3 SECTION 112. IC 3-11-14-25 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. **(a)** After
 5 voting, the voter shall immediately leave the booth and announce to the
 6 poll clerks that the voter has voted. The poll clerks shall write a voting
 7 mark after the voter's name, and the voter shall leave the room.
 8 **(b) If a voter leaves the booth without casting a ballot, a precinct**
 9 **election official shall:**
 10 **(1) attempt to advise the voter not to leave the polls because**
 11 **the voter's ballot has not been cast; and**
 12 **(2) permit the voter to return to the booth to complete the**
 13 **process of casting the voter's ballot.**
 14 **(c) If the voter has left the polls, or declines to return to the**
 15 **booth, the inspector shall direct both judges to enter into the booth**
 16 **and complete the process of casting the ballot for the voter. The**
 17 **judges shall promptly complete a form prescribed under**
 18 **IC 3-5-4-8. The form must be signed by both judges and contain**
 19 **the following information:**
 20 **(1) The name of the voter who left the polls without**
 21 **completing the process of casting a ballot if the voter's name**
 22 **is known.**
 23 **(2) The approximate time that the voter left the polls.**
 24 **(3) Whether the voter was advised that the voter could return**
 25 **to the booth to complete the casting of the ballot.**
 26 **(4) A statement made under the penalties for perjury**
 27 **indicating that the judges jointly cast the ballot without either**
 28 **judge making any alteration to the choices made by the voter.**
 29 SECTION 113. IC 3-11-14-32 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 32. The certificates of
 31 the number of votes cast for each person shall be made and signed as
 32 required by IC 3-12, and the precinct election officers shall make and
 33 sign ~~all statements~~ **the statement** of the number of votes required by
 34 law in ~~duplicate, triplicate, or otherwise.~~ **under section 30 of this**
 35 **chapter. The inspector is only required to provide duplicate copies**
 36 **of the statement to another precinct election officer or a watcher,**
 37 **upon request.** The certificates and other papers shall be returned to the
 38 circuit court clerk in the same manner and with the same penalties that
 39 are prescribed in IC 3-12 for election returns from precincts in which
 40 electronic voting systems are not used.
 41 SECTION 114. IC 3-11-14.5-1, AS AMENDED BY SEA 570-2019,
 42 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 1. (a) Not later than seventy-four (74) days before
 2 election day, for each county planning to use an electronic voting
 3 system at the next election, VSTOP shall provide each county election
 4 board with two (2) lists of unique identification numbers for the
 5 machines to be tested by the county. The number of machines selected
 6 in each list must be:

7 (1) approved by the division; and

8 (2) not less than five percent (5%) of the machines in the county.

9 (b) The county election board shall test the machines in the first list
 10 described in subsection (a) to ascertain that the machines will correctly
 11 count the votes cast for straight party tickets, for all candidates
 12 (including write-in candidates), and on all public questions. If an
 13 individual attending the public test requests that additional electronic
 14 voting systems be tested, then the county election board shall test
 15 machines from the second list described in subsection (a).

16 (c) If VSTOP does not provide the lists under subsection (a) not
 17 later than sixty (60) days before the election, the county election board
 18 shall establish and implement a procedure for random selection of not
 19 less than five percent (5%) of the machines in the county. The county
 20 election board shall then test the machines selected as described in
 21 subsection (b).

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

24 (e) If a county election board determines that:

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

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

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

32 (i) ceased to be a candidate; and

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

35 (2) machines used in the test conducted under this section did not
 36 contain a ballot that was reprinted or corrected to remove the
 37 omission of a candidate, political party, or public question, or
 38 indicate the name of the successor candidate;

39 the county election board shall conduct an additional public test
 40 described in subsection (b) using the machines previously tested and
 41 containing the reprinted or corrected ballots.

42 SECTION 115. IC 3-11-16-6 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 6. The inventory of voting**
 3 **systems and electronic poll books maintained by VSTOP under**
 4 **section 4 of this chapter is confidential.**

5 SECTION 116. IC 3-11-18.1-4, AS AMENDED BY P.L.76-2014,
 6 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 4. The plan required by section 3 of this chapter
 8 must include at least the following:

- 9 (1) The total number of vote centers to be established.
 10 (2) The location of each vote center.
 11 (3) The effective date of the order.
 12 (4) The following information according to the computerized list
 13 (as defined in IC 3-7-26.3-2) as of the date of the order:
 14 (A) The total number of voters within the county.
 15 (B) The number of active voters within the county.
 16 (C) The number of inactive voters within the county.
 17 ~~(5) For each vote center designated under subdivision (2), a list~~
 18 ~~of the precincts whose polls will be located at the vote center~~
 19 ~~consistent with section 13 of this chapter for an election that is not~~
 20 ~~being held in each precinct of the county.~~
 21 ~~(6)~~ (5) For each vote center designated under subdivision (2), the
 22 number of precinct election boards that will be appointed to
 23 administer an election at the vote center.
 24 ~~(7)~~ (6) For each precinct election board designated under
 25 subdivision ~~(6)~~; (5), the number and name of each precinct the
 26 precinct election board will administer consistent with section 13
 27 of this chapter for an election that is not being held in each
 28 precinct of the county.
 29 ~~(8)~~ (7) For each vote center designated under subdivision (2), the
 30 number and title of the precinct election officers who will be
 31 appointed to serve at the vote center.
 32 ~~(9)~~ (8) For each vote center designated under subdivision (2):
 33 (A) the number and type of ballot variations that will be
 34 provided at the vote center; and
 35 (B) whether these ballots will be:
 36 (i) delivered to the vote center before the opening of the
 37 polls; or
 38 (ii) printed on demand for a voter's use.
 39 ~~(10)~~ (9) A detailed description of any hardware, firmware, or
 40 software used:
 41 (A) to create an electronic poll list for each precinct whose
 42 polls are to be located at a vote center; or



- 1 (B) to manage data in an electronic poll book through a secure
 2 electronic connection between the county election board and
 3 the precinct election officials administering a vote center.
- 4 ~~(H)~~ **(10)** A description of the equipment and procedures to be
 5 used to ensure that information concerning a voter entered into
 6 any electronic poll book used by precinct election officers at a
 7 vote center is immediately accessible to:
- 8 (A) the county election board; and
 9 (B) the electronic poll books used by precinct election officers
 10 at all other vote centers in the county.
- 11 ~~(I2)~~ For each precinct designated under subdivision (5), the
 12 number of electronic poll books to be provided for the precinct.
- 13 ~~(I3)~~ **(11)** This subdivision applies to a county in which ballot
 14 cards are used at a vote center. For each vote center designated
 15 under subdivision (2), whether each ballot card printed will have
 16 the printed initials of the poll clerks captured through the
 17 electronic signature pad or tablet at the time the poll clerks log
 18 into the electronic poll book system printed on the back of the
 19 ballot card immediately before the ballot card is delivered to a
 20 voter.
- 21 ~~(I4)~~ **(12)** The security and contingency plans to be implemented
 22 by the county to do all of the following:
- 23 (A) Prevent a disruption of the vote center process.
 24 (B) Ensure that the election is properly conducted if a
 25 disruption occurs.
 26 (C) Prevent access to an electronic poll book without the
 27 coordinated action of two (2) precinct election officers who are
 28 not members of the same political party.
- 29 ~~(I5)~~ **(13)** A certification that the vote center complies with the
 30 accessibility requirements applicable to polling places under
 31 IC 3-11-8.
- 32 ~~(I6)~~ **(14)** A sketch depicting the planned layout of the vote center,
 33 indicating the location of:
- 34 (A) equipment; and
 35 (B) precinct election officers;
 36 within the vote center.
- 37 ~~(I7)~~ **(15)** The total number and locations of satellite offices to be
 38 established under IC 3-11-10-26.3 at vote center locations
 39 designated under subdivision (2) to allow voters to cast absentee
 40 ballots in accordance with IC 3-11. However, a plan must provide
 41 for at least one (1) vote center to be established as a satellite
 42 office under IC 3-11-10-26.3 on the two (2) Saturdays



1 immediately preceding an election day.

2 ~~(18)~~ **(16)** The method and timing of providing voter data to
3 persons who are entitled to receive the data under this title. Data
4 shall be provided to all persons entitled to the data without
5 unreasonable delay.

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

10 ~~(20) For a plan adopted after July 1, 2014,~~ **(17)** In a county in
11 which a majority of votes are cast on optical scan ballot cards, any
12 additional procedures to provide for efficient and secure voting at
13 each vote center, including ballot on demand printing.

14 SECTION 117. IC 3-11-18.1-5, AS AMENDED BY P.L.201-2017,
15 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]: Sec. 5. (a) Except as provided in ~~subsection (b);~~
17 **subsections (b) and (c)**, a plan must provide a vote center for use by
18 voters residing within the county for use in a primary election, general
19 election, special election, municipal primary, or municipal election
20 conducted on or after the effective date of the county election board's
21 order.

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

25 (1) located within the county; and

26 (2) having a population of less than three thousand five hundred
27 (3,500).

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

31 SECTION 118. IC 3-11-18.1-7, AS ADDED BY P.L.1-2011,
32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2019]: Sec. 7. Before adopting an order designating a county
34 as a vote center county under this chapter, the county election board
35 must determine the following:

36 (1) That the secure electronic connection as described under
37 section ~~4(10)(B)~~ **4(9)(B)** of this chapter is sufficient to prevent:

38 (A) any voter from voting more than once; and

39 (B) unauthorized access by any person to:

40 (i) the electronic poll lists for a precinct whose polls are to
41 be located at the vote center; or

42 (ii) the computerized list of voters of the county.



1 (2) That the planned design and location of the equipment and
2 precinct officers will provide the most efficient access for:

3 (A) voters to enter the polls, cast their ballots, and leave the
4 vote center; and

5 (B) precinct election officials, watchers, challengers, and
6 pollbook holders to exercise their rights and perform their
7 duties within the vote center.

8 SECTION 119. IC 3-11-18.1-12, AS AMENDED BY SEA
9 570-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding section
11 1 of this chapter, this section applies to an electronic poll book to be
12 used in:

13 (1) a precinct polling place, office of the circuit court clerk, or a
14 satellite office in accordance with IC 3-7-29-6; or

15 (2) a vote center under this chapter.

16 (b) Notwithstanding any other law, the electronic poll ~~list~~ **book** used
17 must **satisfy all of the following:**

18 (1) **The electronic poll book must** comply with IC 3-11-8-10.3.
19 **and**

20 (2) **The electronic poll book must** be approved by the secretary
21 of state in accordance with this section.

22 (3) **Except with prior written authorization by the VSTOP,**
23 **the electronic poll book must have been delivered to the**
24 **county election board not less than sixty (60) days before an**
25 **election at which the electronic poll book is used.**

26 (c) A person who wishes to market, sell, lease, or provide an
27 electronic poll book for use in an election in Indiana must first file an
28 application for certification with the election division on a form
29 prescribed by the secretary of state. Except as provided in subsection
30 (i), a person may not market, sell, lease, or provide an electronic poll
31 book for use in an election in Indiana until the secretary of state has
32 approved the application for certification under this section. The
33 application must state that the vendor has complied, and will continue
34 to comply, with subsection (d) following certification of the electronic
35 poll book. Each application for certification of an electronic poll book
36 must be accompanied by a fee of one thousand five hundred dollars
37 (\$1,500). All fees collected under this section shall be deposited with
38 the treasurer of state in the voting system technical oversight program
39 account established by IC 3-11-17-6.

40 (d) The person seeking certification of an electronic poll book shall
41 conduct a background check at least once each year on each individual
42 employed or contracted by the vendor who has access to the electronic



1 poll book to determine if the individual has been convicted of a felony.
 2 An individual described by this subsection who has been convicted of
 3 a felony may not have access to an electronic poll book in the
 4 individual's capacity as an employee or contractor of the vendor.

5 (e) The secretary of state shall refer the application to the person or
 6 entity conducting the VSTOP.

7 (f) The VSTOP shall examine the electronic poll book with its
 8 accompanying documentation and file a report with the secretary of
 9 state indicating all of the following:

10 (1) Whether the electronic poll book would operate in compliance
 11 with this title.

12 (2) Whether VSTOP has reviewed tests conducted by an approved
 13 voting system testing laboratory.

14 (3) Whether VSTOP has conducted a field test.

15 (4) Whether the electronic poll book complies with additional
 16 requirements for the electronic poll book application for
 17 certification and acceptance testing, as described in the Indiana
 18 Electronic Poll Book Certification Test Protocol approved by the
 19 secretary of state (as in effect January 1, 2019).

20 (5) Any recommendations regarding the acquisition or use of the
 21 electronic poll book.

22 (6) Whether documentation of the escrow of the electronic poll
 23 book's software, firmware, source codes, and executable images
 24 with an escrow agent approved by the election division has been
 25 received by VSTOP.

26 (7) Whether VSTOP recommends that the secretary of state
 27 approve the electronic poll book under this section, including any
 28 recommended restrictions that should be placed on the secretary
 29 of state's approval.

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

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

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

40 (1) The display or demonstration occurs at a conference of
 41 election officials sponsored by:

42 (A) a state agency; or



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

25 SECTION 120. IC 3-11-18.1-14, AS AMENDED BY SEA
 26 570-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) The precinct election board
 28 administering an election at a vote center shall keep the ballots cast in
 29 each precinct separate from the ballots cast in any other precinct whose
 30 election is administered at the vote center, so that the votes cast for
 31 each candidate and on each public question in each of the precincts
 32 administered by the board may be determined and included on the
 33 statement required by IC 3-12-4-9.

34 **(b) This subsection applies to a county having a consolidated**
 35 **city, if either of the following applies to the county:**

36 **(1) The county has adopted an order under IC 3-7-29-6(a)(1)**
 37 **to use an electronic poll book.**

38 **(2) The county is a vote center county under IC 3-11-18.1.**

39 **The precinct election board administering an election at a vote**
 40 **center shall keep the ballots secure so that the votes cast for each**
 41 **candidate and on each public question in each of the precincts**
 42 **administered by the board may be determined and included on the**



1 **statement required by IC 3-12-4-9. The county election board shall**
 2 **separate the ballots by precinct if a recount is requested.**

3 ~~(b)~~ (c) This subsection applies:

- 4 (1) to a county described under section 12 of this chapter on and
 5 after the date absentee ballots are first transmitted to voters; and
 6 (2) to any anomaly or problem, whether due to a technical reason
 7 or due to human error with electronic poll book use.

8 A person that receives a certification for an electronic poll book shall
 9 file not later than forty-eight (48) hours after the discovery of an
 10 anomaly or problem with the poll book a written report in accordance
 11 with IC 3-11-17-7.

12 SECTION 121. IC 3-11.5-1-1.1, AS AMENDED BY HEA
 13 1217-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2019]: Sec. 1.1. This article applies to ~~the~~
 15 ~~following all~~ counties.

16 ~~(1) A county subject to IC 3-11.5-4-0.5.~~

17 ~~(2) A county that has a board of elections and registration~~
 18 ~~established under IC 3-6-5-6.~~

19 ~~(3) A county whose county election board, by unanimous vote of~~
 20 ~~the board's entire membership, has adopted a resolution under~~
 21 ~~IC 3-11.5-5-1 or IC 3-11.5-6-1.~~

22 SECTION 122. IC 3-11.5-1-4 IS REPEALED [EFFECTIVE JULY
 23 1, 2019]. Sec. 4. ~~To the extent that they are in conflict with this article,~~
 24 ~~the following statutes do not apply to a county that has adopted a~~
 25 ~~resolution described by section 1 of this chapter (before its repeal) or~~
 26 ~~section 1.1 of this chapter:~~

27 ~~(1) IC 3-11-4-22.~~

28 ~~(2) IC 3-11-10-1.5.~~

29 ~~(3) IC 3-11-10-3.~~

30 ~~(4) IC 3-11-10-5.~~

31 ~~(5) IC 3-11-10-6.~~

32 ~~(6) IC 3-11-10-7.~~

33 ~~(7) IC 3-11-10-8.~~

34 ~~(8) IC 3-11-10-9.~~

35 ~~(9) IC 3-11-10-11.~~

36 ~~(10) IC 3-11-10-12.~~

37 ~~(11) IC 3-11-10-12.5.~~

38 ~~(12) IC 3-11-10-13.~~

39 ~~(13) IC 3-11-10-14.~~

40 ~~(14) IC 3-11-10-15.~~

41 ~~(15) IC 3-11-10-16.~~

42 ~~(16) IC 3-11-10-17.~~



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

14 SECTION 123. IC 3-11.5-4-0.5 IS REPEALED [EFFECTIVE JULY
 15 1, 2019]. Sec. 0.5: (a) This section applies only to a county having a
 16 consolidated city:

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

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

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

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

28 all absentee ballots shall be counted at individual precincts instead of
 29 at a central location:

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

32 SECTION 124. IC 3-11.5-4-6 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Each circuit
 34 court clerk shall keep all accepted ballot envelopes securely **sealed**
 35 in the clerk's office until the ballot envelopes are opened by absentee
 36 ballot counters in accordance with this chapter.

37 **(b) A county election board may not scan a voted absentee ballot
 38 card using an optical scan ballot scanner before election day.**

39 SECTION 125. IC 3-11.5-4-11, AS AMENDED BY SEA 558-2019,
 40 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 MAY 1, 2019 (RETROACTIVE)]: Sec. 11. (a) Except as provided in
 42 subsection (b), (c), or (d), at any time after the couriers return the



1 certificate under section 9 of this chapter, absentee ballot counters
 2 appointed under section 22 of this chapter, in the presence of the
 3 county election board, shall, except for a ballot rejected under section
 4 13 of this chapter:

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

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

8 (3) compare the signature upon the application or electronic poll
 9 book with the signature upon the affidavit on the ballot envelope,
 10 transmitted affidavit under IC 3-11-4-6(h), or voter registration
 11 record.

12 (b) This subsection applies to a county (other than a county
 13 described in subsection (c) or (d)) that:

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

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

17 Immediately after the electronic poll books used at each polling place
 18 or vote center have been updated to indicate that the county received,
 19 not later than noon on election day, an absentee ballot from a voter, the
 20 absentee ballot counters shall, in a central counting location designated
 21 by the county election board, count the absentee ballot votes cast for
 22 each candidate for each office and on each public question in the
 23 precinct.

24 (c) This subsection applies to a county having a consolidated city,
 25 if the county:

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

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

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

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

42 (1) has adopted an order to use an electronic poll book under



1 IC 3-7-29-6(a)(1); or

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

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

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

15 SECTION 126. IC 3-11.5-4-12.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE MAY 1, 2019 (RETROACTIVE)]: **Sec. 12.5. (a) This**
18 **section applies only in a county containing a consolidated city.**

19 **(b) Notwithstanding section 12(b) of this chapter and subject to**
20 **subsection (c), absentee ballot envelopes may be opened by**
21 **machine instead of by the absentee ballot counters. For purposes**
22 **of certification of voting systems under this article, a machine, the**
23 **only function of which is the opening of envelopes, is not considered**
24 **to be a voting system or part of a voting system.**

25 **(c) After making the applicable findings under section 12(b) of**
26 **this chapter, the absentee ballot counters shall take out each ballot**
27 **enclosed in an envelope opened under subsection (b) without**
28 **unfolding or permitting a ballot to be unfolded or examined. The**
29 **absentee ballots shall then continue to be processed as provided**
30 **under section 12 and other applicable provisions of this chapter.**

31 SECTION 127. IC 3-11.5-4-23.5 IS ADDED TO THE INDIANA
32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
33 [EFFECTIVE MAY 1, 2019 (RETROACTIVE)]: **Sec. 23.5. (a) This**
34 **section applies to a county having a consolidated city only if the**
35 **county election board, by unanimous vote of its entire membership,**
36 **adopts a resolution making this section applicable in the county.**

37 **(b) Notwithstanding section 23 of this chapter, an individual**
38 **who satisfies all of the following may be appointed to serve as an**
39 **absentee ballot counter or a courier:**

40 **(1) The individual is a citizen of the United States.**

41 **(2) The individual is registered to vote in Indiana.**

42 **(3) The individual is at least eighteen (18) years of age.**



1 **(4) The individual is appointed under the procedures**
 2 **described in section 23 of this chapter.**

3 **(c) An individual appointed under this section who serves as an**
 4 **absentee ballot counter is observed by registered voters of the**
 5 **county serving in bipartisan absentee ballot counter teams.**

6 SECTION 128. IC 3-11.5-5-1 IS REPEALED [EFFECTIVE JULY
 7 1, 2019]. Sec. 1. (a) This chapter applies in a county only if the county
 8 election board adopts a resolution making this chapter applicable in the
 9 county.

10 (b) A copy of a resolution adopted under this section shall be filed
 11 with the election division.

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

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

15 (2) fourteen (14) days after an election has been conducted.

16 (d) A resolution adopted under this section takes effect immediately
 17 and may only be rescinded by the unanimous vote of the entire
 18 membership of the county election board.

19 SECTION 129. IC 3-11.5-6-1 IS REPEALED [EFFECTIVE JULY
 20 1, 2019]. Sec. 1. (a) This chapter applies in a county only if the county
 21 election board adopts a resolution making this chapter applicable in the
 22 county.

23 (b) A copy of a resolution adopted under this section shall be sent
 24 to the election division.

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

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

28 (2) fourteen (14) days after an election has been conducted.

29 (d) A resolution adopted under this section takes effect immediately
 30 and may only be rescinded by the unanimous vote of the entire
 31 membership of the county election board.

32 SECTION 130. IC 3-11.5-6-4, AS AMENDED BY P.L.210-2018,
 33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
 35 county having a consolidated city. To minimize delay, the absentee
 36 ballot counters shall continue to count without interruption until all
 37 absentee ballots for the precinct are canvassed and the certificates
 38 required by this chapter are prepared and delivered to the person
 39 entitled to receive the certificates.

40 (b) This subsection applies to a county having a consolidated city.
 41 To minimize delay, the absentee ballot counters shall continue to count
 42 without interruption until all absentee ballots that are not required to be



1 ~~remade and~~ have been accepted by the absentee ballot counters under
 2 IC 3-11.5-4-12 are canvassed, and the certificates required by this
 3 chapter are prepared and delivered to the person entitled to receive the
 4 certificates.

5 SECTION 131. IC 3-11.7-3-6 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. An individual
 7 serving as an absentee ballot counter under ~~IC 3-11.5-4-12~~
 8 **IC 3-11.5-4-22** may also serve as a provisional ballot counter under
 9 this chapter.

10 SECTION 132. IC 3-11.7-3-7 IS ADDED TO THE INDIANA
 11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: **Sec. 7. A provisional ballot**
 13 **counter is entitled to a per diem at a rate set by the county fiscal**
 14 **body.**

15 SECTION 133. IC 3-11.7-5-1.5, AS AMENDED BY P.L.164-2006,
 16 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) Subsection (c) applies to a
 18 provisional ballot that the county election board determines, by a
 19 majority vote of its members and in accordance with this title:

- 20 (1) has been marked and cast by a voter in compliance with this
 21 title; but
 22 (2) may not otherwise be counted solely as the result of the act or
 23 failure to act of an election officer.

24 (b) Subsection (c) does not apply to either of the following:

- 25 (1) A provisional ballot cast by an individual who seeks to vote in
 26 an election as the result of a court or other order extending the
 27 time established for closing the polls under IC 3-11-8-8 if the
 28 county election board determines or is directed under a court or
 29 other order that all provisional ballots issued after regular poll
 30 closing hours are not to be counted.

- 31 (2) A provisional ballot that is required to be rejected by a county
 32 election board under section 2(b) of this chapter as the result of
 33 information or lack of information provided by a voter registration
 34 agency.

35 (c) The sealed envelope containing a provisional ballot described in
 36 subsection (a) shall nevertheless be opened under section 4 of this
 37 chapter and the provisional ballot counted unless evidence of fraud,
 38 tampering, or misconduct affecting the integrity of the ballot is
 39 demonstrated. The act or failure to act by an election officer is not by
 40 itself evidence of fraud, tampering, or misconduct affecting the
 41 integrity of the ballot.

42 (d) Notwithstanding subsection (c), if the county election board, by



1 a majority vote of its members, determines that there is evidence
 2 presented to the board demonstrating that the individual who cast the
 3 provisional ballot was ineligible to cast a regular ballot in that precinct,
 4 or evidence has been presented to the board demonstrating any other
 5 reason set forth in HAVA or this title not to count a provisional ballot,
 6 the provisional ballot may not be counted.

7 (e) This subsection applies to a provisional ballot cast by a voter
 8 after the voter was challenged solely because the voter was unable or
 9 declined to provide proof of identification and not for any other reason.
 10 If the voter later complies with the requirements of this title for proof
 11 of identification, the provisional ballot cast by the voter shall be
 12 counted in accordance with sections 2 and 2.5 of this chapter.

13 ~~(f) This subsection applies to a provisional ballot cast by a voter
 14 after the voter was challenged for any reason except the voter's inability
 15 or declination to provide proof of identification. If the only evidence
 16 before the county election board on the question of counting of the
 17 provisional ballot cast by the voter is:~~

- 18 ~~(1) the affidavit of the voter who east the provisional ballot; and
 19 (2) the affidavit of a challenger challenging the voter who cast the
 20 provisional ballot;~~

21 ~~the provisional ballot shall be counted.~~

22 SECTION 134. IC 3-11.7-5-1.7 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2019]: **Sec. 1.7. (a) This section applies to a
 25 provisional ballot cast by a voter for any of the following reasons:**

- 26 **(1) The provisional ballot was cast by the voter under a court
 27 order extending the hours that the polls were open.**
 28 **(2) The provisional ballot was cast by a voter who is not on
 29 the poll list who indicates that the voter applied to register at
 30 a voter registration agency.**
 31 **(3) The provisional ballot was cast by the voter after the voter
 32 was challenged solely due to the voter being unable or
 33 declining to provide proof of identification.**
 34 **(4) The provisional ballot was cast by the voter after the voter
 35 was challenged solely due to the voter's failure to provide
 36 additional documentation.**

37 **(b) If the only evidence before the county election board on the
 38 question of counting of the provisional ballot cast by the voter is:**

- 39 **(1) the affidavit of the voter who cast the provisional ballot;
 40 and
 41 (2) the affidavit of a challenger challenging the voter who cast
 42 the provisional ballot;**



1 **the provisional ballot shall be counted.**

2 SECTION 135. IC 3-11.7-5-30 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2019]: **Sec. 30. (a) This section applies to a**
5 **provisional ballot that the county election board determines was**
6 **cast by an individual who is registered to vote in an Indiana county**
7 **other than the county in which the provisional ballot was cast.**

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

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

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

15 SECTION 136. IC 3-11.7-6-3, AS AMENDED BY P.L.128-2015,
16 SECTION 206, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) As required by 52 U.S.C.
18 21082, a county election board shall establish a free access system such
19 as a toll-free telephone number or an Internet web site that enables a
20 provisional voter to determine:

21 (1) whether the individual's provisional ballot was counted; and
22 (2) if the provisional ballot was not counted, the reason the
23 provisional ballot was not counted.

24 **(b) After December 31, 2014,** The county election board shall enter
25 the following into the computerized list:

26 (1) The name of the individual.
27 (2) The address of the individual.
28 (3) Whether the individual's provisional ballot was counted.
29 (4) If the individual's provisional ballot was not counted, the
30 reason the provisional ballot was not counted.

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

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

41 (e) The county election board shall prescribe written instructions to
42 inform a provisional voter how the provisional voter can determine



1 whether the provisional voter's ballot has been counted.

2 SECTION 137. IC 3-11.7-7 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]:

5 **Chapter 7. Standards for Issuing an Order Extending the Hour**
6 **for the Closing of the Polls**

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

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

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

17 **Sec. 3. (a) Before issuing an order under this chapter, the court**
18 **or entity must take evidence and make the following findings:**

19 **(1) The polls were substantially delayed in opening at the time**
20 **fixed by IC 3-11-8-8.**

21 **(2) The specific precincts or vote centers in which substantial**
22 **delays occurred.**

23 **(3) If a poll closed at any time during the hours specified by**
24 **IC 3-11-8-8, how long the polls were closed and in which**
25 **precincts and vote centers the closing occurred.**

26 **(4) Substantial evidence exists that voters were prevented**
27 **from casting a ballot due to a delay or closure of the polls**
28 **during the hours specified by IC 3-11-8-8.**

29 **(5) The actual harm determined can only be ameliorated by**
30 **the extension of polling hours.**

31 **(b) If the court is unable to make the applicable findings**
32 **regarding a delay in opening or a subsequent closure of the polls**
33 **described in subsection (a), the court shall not issue an order**
34 **extending the polling hours specified under IC 3-11-8-8.**

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

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

41 **(2) extend the hours for the polls at the precinct or vote center**
42 **for a period of time not more than the time that the polls were**



1 closed during the hours set forth in IC 3-11-8-8.

2 **Sec. 5. (a) The county election board may appeal any denial of**
 3 **an order extending the hour for closing the polls issued under this**
 4 **section to the Indiana supreme court under the same terms,**
 5 **conditions, and standards that govern appeals in ordinary civil**
 6 **actions affecting substantial public questions.**

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

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

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

14 SECTION 138. IC 3-12-1-5, AS AMENDED BY P.L.21-2016,
 15 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2019]: Sec. 5. (a) This subsection does not apply to a ballot
 17 card voting system or an electronic voting system. Except as provided
 18 in subsection (d), a voting mark made by a voter on or in a voting
 19 square at the left of a candidate's name or political party's name shall
 20 be counted as a vote for the candidate or candidates of the political
 21 party.

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

24 (1) on or in a circle, oval, or square; or

25 (2) to connect a connectable arrow;

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

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

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

37 (1) county council;

38 (2) city common council;

39 (3) town council; or

40 (4) township board;

41 must make a voting mark for each individual candidate for whom the
 42 voter wishes to cast a vote. A straight ticket voting mark on a paper



1 ballot, ballot card voting system, or electronic voting system shall not
 2 be counted as a straight party ticket voting mark as a vote for any
 3 candidate for an office described by this subsection.

4 SECTION 139. IC 3-12-1-8, AS AMENDED BY P.L.21-2016,
 5 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 8. (a) Except as provided in subsection (b), a
 7 voting mark made by a voter on or in a circle containing a political
 8 party device shall be counted as a vote for each candidate of that
 9 political party on that ballot.

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

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

17 must make a voting mark for each individual candidate for whom the
 18 voter wishes to cast a vote. A voting mark on or in a circle containing
 19 a political party device shall not be counted as a straight party ticket
 20 voting mark as a vote for any candidate for an office described by this
 21 subsection.

22 SECTION 140. IC 3-12-1-17, AS AMENDED BY P.L.76-2014,
 23 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 17. (a) This section applies only to an absentee
 25 ballot sent by mail.

26 (b) Notwithstanding ~~IC 3-11-10-14~~ and IC 3-11.5-4-7, an absentee
 27 ballot received from an overseas voter is not considered as arriving too
 28 late if both of the following apply:

- 29 (1) The absentee ballot envelope is postmarked not later than the
 30 date of the election.
- 31 (2) The absentee ballot is received not later than noon ten (10)
 32 days following the election.

33 (c) If the postmark on the absentee ballot envelope is unclear, the
 34 county election board, by unanimous vote of the entire membership of
 35 the board, determines the postmark date. If the board is unable to
 36 determine the postmark date, the absentee ballot may not be counted.

37 SECTION 141. IC 3-12-1-19, AS ADDED BY P.L.66-2010,
 38 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 19. (a) This section applies to a federal
 40 write-in absentee ballot cast in a general election, municipal election,
 41 or special election as provided in IC 3-11-4-12.5(b)(2) by an absent
 42 uniformed services voter or overseas voter.



1 (b) If a voter designates a candidate by writing in the name of a
 2 political party on the ballot, the voter's vote shall be counted for all
 3 candidates of that political party on the ballot.

4 (c) If a voter writes an abbreviation, misspelling, or other minor
 5 variation instead of the correct name of a candidate or a political party,
 6 the voter's vote shall be counted if the intent of the voter can be
 7 determined.

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

9 **(1) an individual who is a candidate for President of the**
 10 **United States;**

11 **(2) an individual who is a candidate for Vice President of the**
 12 **United States; or**

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

15 **A ballot cast as described in this subsection is considered to be cast**
 16 **for the presidential electors and alternate presidential electors**
 17 **pledged to support the ticket of candidates for President and Vice**
 18 **President printed on the regular official ballot.**

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

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

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

22 **(3) both individuals who are candidates for governor and**
 23 **lieutenant governor.**

24 **A ballot cast as described in this subsection is considered to be cast**
 25 **for both individuals who are candidates for governor and**
 26 **lieutenant governor of Indiana who are printed on the regular**
 27 **official ballot.**

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

31 SECTION 142. IC 3-12-2-1, AS AMENDED BY P.L.128-2015,
 32 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This chapter:

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

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

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

42 (c) ~~Notwithstanding subsection (b), the precinct election board may~~



1 count absentee ballots before the polls have closed. If the precinct
 2 election board counts absentee ballots under this subsection, a member
 3 of the precinct election board may not, before the polls have closed,
 4 provide any person other than a member of the precinct election board
 5 with information concerning the number of votes:

6 (1) a candidate received for an office; or

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

8 on absentee ballots counted under this subsection.

9 (c) If a precinct election board administers more than one (1)
 10 precinct, the board shall keep the ballots cast in each precinct separate
 11 from ballots cast in any other precinct, so that the votes cast for each
 12 candidate and on each public question in each of the precincts
 13 administered by the board may be determined.

14 SECTION 143. IC 3-12-2-7.5, AS AMENDED BY P.L.201-2017,
 15 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2019]: Sec. 7.5. (a) This section applies to the counting of
 17 federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

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

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

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

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

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

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

38 (1) the ballot was submitted:

39 (A) by an overseas voter who is not an absent uniformed
 40 services voter; and

41 (B) from within the United States;

42 (2) the overseas voter's application for a regular absentee ballot



1 was received by the county election board after the applicable
2 absentee ballot application deadline set forth in IC 3-11-4-3;

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

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

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

15 (1) immediately seal the absentee ballot and the envelope in
16 which the ballot was received in a carrier envelope indicating that
17 a voted absentee ballot is enclosed; and

18 (2) document the date the absentee ballot was sealed within the
19 carrier envelope, attested to by the signature of each member of
20 the county election board.

21 SECTION 144. IC 3-12-5-1, AS AMENDED BY P.L.221-2005,
22 SECTION 110, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Whenever a candidate is
24 elected to a local office that is commissioned by the governor under
25 IC 4-3-1-5, the circuit court clerk shall prepare a statement ~~under the~~
26 ~~clerk's seal~~ specifying the number of votes received by each candidate
27 for that office.

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

30 (1) The ratification of a state constitutional amendment submitted
31 to the electorate.

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

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

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

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

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



- 1 (2) Each justice or judge retained or removed.
- 2 (e) The election division shall provide a copy of a certificate
3 described by:
- 4 (1) subsection (d)(1) to the chief justice of the Indiana supreme
5 court and the director of the office of code revision of the
6 legislative services agency; and
- 7 (2) subsection (d)(2) to the chief justice of the state.
- 8 (f) The election division shall provide a copy of all statements
9 received under this section to the office.
- 10 SECTION 145. IC 3-12-5-1.5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) This section
12 applies to a statement required to be ~~sent or delivered~~ **transmitted**
13 to the election division by a circuit court clerk under this chapter.
- 14 (b) A statement described in subsection (a) ~~may~~ **shall** be sent by
15 using the computerized list established under IC 3-7-26.3 **unless the**
16 **election division authorizes the use of an alternative method for**
17 **transmitting the certificate.** A statement sent under this section
18 complies with any requirement for the statement to be certified or
19 sealed.
- 20 SECTION 146. IC 3-12-5-5, AS AMENDED BY P.L.221-2005,
21 SECTION 111, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Not later than noon on the
23 second Monday following an election for governor and lieutenant
24 governor, each circuit court clerk shall prepare a certified statement
25 ~~under the clerk's seat~~ showing the number of votes each candidate
26 received. The clerk shall transmit the statement to the election division
27 **in accordance with section 1.5 of this chapter.** The election division
28 shall deliver:
- 29 (1) the statement to the speaker of the house of representatives
30 before the date described in subsection (b); and
- 31 (2) a copy of each statement to the office.
- 32 (b) The house of representatives and the senate shall meet in joint
33 convention not later than the date specified in Article 5, Section 9 of
34 the Constitution of the State of Indiana for the commencement of the
35 term of the governor and the lieutenant governor to hear the canvass of
36 votes cast for governor and lieutenant governor.
- 37 (c) The joint convention shall act to resolve any:
- 38 (1) tie vote, as required under Article 5, Section 5 of the
39 Constitution of the State of Indiana; or
- 40 (2) contest under Article 5, Section 6 of the Constitution of the
41 State of Indiana.
- 42 (d) The joint rules that governed the house of representatives and



1 senate before the general election govern the joint convention until
2 those rules are amended as provided in those rules.

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

7 SECTION 147. IC 3-12-5-6, AS AMENDED BY P.L.221-2005,
8 SECTION 112, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Not later than noon on the
10 second Monday following an election, each circuit court clerk shall
11 prepare a certified statement under the clerk's seal of the number of
12 votes received by each candidate for:

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

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

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

23 SECTION 148. IC 3-12-5-11, AS AMENDED BY P.L.221-2005,
24 SECTION 113, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) As soon as practical, but no
26 later than noon on the second Monday following an election for a
27 legislative office, each circuit court clerk shall:

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

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

36 SECTION 149. IC 3-12-5-13 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. The election
38 division may not reject a certified statement received ~~under seal~~ from
39 a circuit court clerk under section 6 or 11 of this chapter but shall
40 estimate, aggregate, and tabulate the total number of votes as evidenced
41 by the face of each certified statement.

42 SECTION 150. IC 3-12-8-1, AS AMENDED BY P.L.194-2013,



1 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 1. (a) This section does not apply to a challenge
3 filed before an election to the eligibility of a candidate nominated by
4 petition for election to an office. The challenge described by this
5 subsection must be conducted in accordance with IC 3-8-1-2.

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

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

11 (c) If a candidate who is entitled to contest the nomination or
12 election of a candidate under this chapter does not file a petition within
13 the period established by section 5 of this chapter, the county chairman
14 of a political party of which the candidate entitled to file a petition
15 under this chapter was a member may file a petition to contest the
16 nomination or election of a candidate. A county chairman is entitled to
17 contest an election under this chapter only in a partisan race.

18 **(d) This subsection applies to an election for a school board**
19 **office. If there is no candidate who is entitled to contest the election**
20 **of another candidate to a school board office, a voter of the school**
21 **corporation may file a petition to contest the election of the**
22 **candidate.**

23 SECTION 151. IC 3-12-10-12 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The
25 expenses of a recount conducted by the state recount commission shall
26 be paid from the state recount fund following the commission's
27 determination of whether a full or partial refund of the cash deposit
28 should be granted under IC 3-12-11-10.

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

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

- 33 (1) the appearance of an individual; or
34 (2) the copying or production of documents;

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

38 (d) A person (other than a party to a recount or contest) who claims
39 reimbursement of expenses described by subsection (a) or (b) must
40 submit a claim to the state recount commission not later than noon
41 sixty (60) days after the commission adopts a final order concerning the
42 recount or contest. If the commission approves the claim, the treasurer



1 of state shall issue a warrant to the person in accordance with
2 IC 5-13-5, **except as provided in subsection (e) or (f).**

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

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

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

16 SECTION 152. IC 3-12-12-2, AS AMENDED BY P.L.74-2017,
17 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2019]: Sec. 2. A voter who desires a recount under this
19 chapter must file a verified petition no later than noon fourteen (14)
20 days after election day. The petition must be filed:

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

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

26 SECTION 153. IC 3-13-1-6, AS AMENDED BY P.L.216-2015,
27 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 6. (a) As used in this section, "county committee"
29 refers to the precinct committeemen and vice committeemen of a major
30 political party representing a precinct within the county.

31 (b) Except as provided in subsection (c), a candidate vacancy for a
32 local office shall be filled by **either of the following:**

33 (1) A caucus comprised of the precinct committeemen who are
34 eligible to participate under section 10 of this chapter. ~~or~~

35 (2) The county chairman of the political party or a ~~caucus~~
36 **committee** comprised of the chairman, vice chairman, secretary,
37 and treasurer of the county committee of the party, if **all of the**
38 **following apply:**

39 (A) **The county chairman or the committee is** authorized to
40 fill vacancies under this chapter by majority vote of the county
41 committee.

42 (B) The election district for the local office is entirely within



1 one (1) county. ~~and~~
2 (C) Documentation of the authority given under clause (A) is
3 attached to the certification of candidate selection filed under
4 section 15 of this chapter.
5 (c) A candidate vacancy for the office of circuit court judge or
6 prosecuting attorney in a circuit having more than one (1) county shall
7 be filled by a caucus comprised of the precinct committeemen who
8 constitute the county committees of the political party for all of the
9 circuit.
10 SECTION 154. IC 3-13-1-9, AS AMENDED BY P.L.169-2015,
11 SECTION 152, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2019]: Sec. 9. **(a) This section applies only to**
13 **a meeting of a caucus required under this chapter. This section**
14 **does not apply to the filling of a vacancy under this chapter by the**
15 **county chairman or a committee acting under section 6(b)(2) of**
16 **this chapter.**
17 **(b)** The call for a meeting under section 3, 4, 5, or 6 of this chapter
18 must:
19 (1) be in writing on a form prescribed by the election division;
20 (2) state the name of the chairman of the meeting;
21 (3) state the purpose of the meeting;
22 (4) state the date, time, and place of the meeting;
23 (5) be sent by first class mail, at least ten (10) days before the
24 meeting, to all persons eligible to participate in the meeting; and
25 (6) be filed not later than noon ten (10) days before the meeting
26 with the official who is required to receive a certificate of
27 candidate selection following the caucus under section 15 of this
28 chapter.
29 SECTION 155. IC 3-13-5-1, AS AMENDED BY P.L.119-2005,
30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2019]: Sec. 1. (a) A vacancy in a legislative office shall be
32 filled by a caucus comprised of the precinct committeemen from the
33 senate or house district where the vacancy exists who represent the
34 same political party that elected or selected the person who held the
35 vacated seat.
36 (b) Not later than thirty (30) days after the vacancy occurs (or as
37 provided in subsections (c) and (d)), the caucus shall meet and select
38 a person to fill the vacancy by a majority vote of those casting a vote
39 for a candidate, including vice committeemen eligible to vote as a
40 proxy under section 5 of this chapter.
41 (c) A state chairman may give notice of a caucus before the time
42 specified under subsection (b) if a vacancy will exist because the



1 official has:
 2 (1) submitted a written resignation under IC 5-8-3.5 that has not
 3 yet taken effect; ~~or~~
 4 (2) been elected to another office; **or**
 5 **(3) submitted a notice under IC 5-9-4 to take a leave of**
 6 **absence for active duty in the armed forces or national guard.**
 7 (d) If a vacancy in a legislative office exists because of the death of
 8 the legislator, the caucus shall meet and select a person to fill the
 9 vacancy not later than thirty (30) days after the state chairman receives
 10 notice of the death of the legislator from the secretary of state under
 11 IC 5-8-6.
 12 (e) Notwithstanding IC 5-8-4, a person may not withdraw the
 13 person's resignation after the resignation has been accepted by the
 14 person authorized to accept the resignation less than seventy-two (72)
 15 hours before the announced starting time of the caucus under this
 16 chapter.
 17 (f) The person selected must reside in the district where the vacancy
 18 occurred.
 19 SECTION 156. IC 3-13-5-5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as
 21 provided in this section, voting by proxy is not allowed in a caucus held
 22 under this chapter.
 23 (b) A precinct vice committeeman is entitled to participate in a
 24 caucus held under this chapter and vote as a proxy for the vice
 25 committeeman's precinct committeeman if all of the following apply:
 26 (1) The vice committeeman's precinct committeeman is otherwise
 27 eligible to participate in the caucus under this chapter. This
 28 subdivision is satisfied if the vacancy to be filled under this
 29 chapter resulted from the death of an individual holding a
 30 legislative office who also served as a precinct committeeman.
 31 (2) The vice committeeman's precinct committeeman is not
 32 present at the caucus.
 33 (3) The vice committeeman is eligible under this section.
 34 (c) The vice committeeman of an elected precinct committeeman is
 35 eligible to participate in a caucus held under this chapter and vote the
 36 precinct committeeman's proxy ~~regardless of when the ballot vacancy~~
 37 ~~occurred~~; if the vice committeeman was the vice committeeman five
 38 (5) days before the date of the caucus.
 39 (d) If a vice committeeman is not eligible under subsection (c), the
 40 vice committeeman is eligible to participate in a caucus held under this
 41 chapter and vote the precinct committeeman's proxy only if the vice
 42 committeeman was the vice committeeman thirty (30) days before the



- 1 ~~ballot~~ vacancy occurred.
- 2 (e) Voting shall be conducted by secret ballot, and IC 5-14-1.5-3(b)
- 3 does not apply to this chapter.
- 4 SECTION 157. IC 3-13-6-1, AS AMENDED BY P.L.245-2017,
- 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2019]: Sec. 1. (a) As used in this section, "judge" refers to a
- 7 judge of a circuit, superior, or probate court.
- 8 (b) If a judge wants to resign from office, the judge must resign as
- 9 provided in IC 5-8-3.5.
- 10 (c) A vacancy that occurs because of the death of a judge may be
- 11 certified to the governor under IC 5-8-6.
- 12 (d) A vacancy that occurs, other than by resignation or death of a
- 13 judge, shall be certified to the governor by the circuit court clerk of the
- 14 county in which the judge resided.
- 15 (e) A vacancy in the office of judge of a circuit court shall be filled
- 16 by the governor as provided by Article 5, Section 18 of the Constitution
- 17 of the State of Indiana. However, the governor may not fill a vacancy
- 18 that occurs because of the death of a judge until the governor receives
- 19 notice of the death under IC 5-8-6.
- 20 (f) The person who is appointed holds the office until:
- 21 (1) the end of the unexpired term; or
- 22 (2) a successor is elected at the next general election for the
- 23 office, and qualified;
- 24 whichever occurs first.
- 25 (g) Except **in a year in which the office is scheduled to be placed**
- 26 **on the ballot, and except** as provided in this subsection, the office of
- 27 judge of the circuit court shall be elected at the next general election
- 28 following the date any vacancy occurred. If a vacancy occurs in the
- 29 office of judge of the circuit court after noon seventy-four (74) days
- 30 before a general election, the office shall be elected at the second
- 31 general election following the date any vacancy occurred.
- 32 (h) The person elected at the general election following an
- 33 appointment to fill the vacancy, upon being qualified, holds office for
- 34 the six (6) year term prescribed by Article 7, Section 7 of the
- 35 Constitution of the State of Indiana and until a successor is elected and
- 36 qualified.
- 37 (i) A vacancy in the office of judge of a superior or probate court
- 38 shall be filled by the governor subject to the following:
- 39 (1) IC 33-33-2-39.
- 40 (2) IC 33-33-2-43.
- 41 (3) IC 33-33-45-38.
- 42 (4) IC 33-33-71-40.



1 (5) IC 33-33-49-13.4.
 2 However, the governor may not fill a vacancy that occurs because of
 3 the death of a judge until the governor receives notice of the death
 4 under IC 5-8-6. The person who is appointed holds office for the
 5 remainder of the unexpired term.
 6 SECTION 158. IC 3-13-9-2, AS AMENDED BY P.L.119-2005,
 7 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 2. (a) This section applies to a vacancy in the
 9 office of judge of a town court that is:
 10 (1) not covered by section 1 of this chapter; or
 11 (2) covered by section 1 of this chapter, but ~~existing after the~~
 12 ~~thirtieth day after:~~
 13 ~~(A) the vacancy occurs, if IC 5-8-6 does not apply; or~~
 14 ~~(B) the town clerk-treasurer receives the notice required under~~
 15 ~~IC 5-8-6. not filled by a major political party by the~~
 16 ~~applicable deadline set forth in IC 3-13-11-3.~~
 17 (b) A vacancy shall be filled by the town council at a regular or
 18 special meeting.
 19 (c) The town clerk-treasurer shall give notice of the meeting. ~~Except~~
 20 ~~as provided in subsections (e) and (f);~~ The meeting shall be held
 21 ~~(+) not later than thirty (30) days after:~~
 22 ~~(1) the vacancy occurs if the vacancy is not covered by section 1~~
 23 ~~of this chapter; or~~
 24 ~~(2) not later than sixty (60) days after the vacancy occurs if the~~
 25 ~~vacancy is covered by section 1 of this chapter and exists for more~~
 26 ~~than thirty (30) days. the applicable deadline for a major~~
 27 ~~political party to fill the vacancy as set forth in IC 3-13-11-3.~~
 28 (d) The notice must:
 29 (1) be in writing;
 30 (2) state the purpose of the meeting;
 31 (3) state the date, time, and place of the meeting; and
 32 (4) be sent by first class mail to each council member at least ten
 33 (10) days before the meeting.
 34 (e) If a vacancy:
 35 (1) is not covered by section 1 of this chapter; and
 36 (2) exists because of the death of a judge;
 37 the council shall meet and select an individual to fill the vacancy not
 38 later than thirty (30) days after the town clerk-treasurer receives notice
 39 of the death under IC 5-8-6. The town clerk-treasurer may not give the
 40 notice required by subsection (c) until the town clerk-treasurer receives
 41 notice of the death under IC 5-8-6.
 42 (f) If a vacancy:



1 (1) is covered by section 1 of this chapter;
 2 (2) exists because of the death of a judge; and
 3 (3) exists for more than thirty (30) days;
 4 the council shall meet and select an individual to fill the vacancy not
 5 later than sixty (60) days after the town clerk-treasurer receives notice
 6 of the death under IC 5-8-6. The town clerk-treasurer may not give the
 7 notice required by subsection (c) until the town clerk-treasurer receives
 8 notice of the death under IC 5-8-6.
 9 SECTION 159. IC 3-13-9-3, AS AMENDED BY P.L.120-2015,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2019]: Sec. 3. (a) This section applies to a vacancy in the
 12 office of town clerk-treasurer:
 13 (1) not covered by section 1 of this chapter; or
 14 (2) covered by section 1 of this chapter, but ~~existing after the~~
 15 ~~thirtieth day after:~~
 16 (A) ~~the vacancy occurs, if IC 5-8-6 does not apply; or~~
 17 (B) ~~the president of the town council receives the notice~~
 18 ~~required under IC 5-8-6. not filled by a major political party~~
 19 ~~by the applicable deadline set forth in IC 3-13-11-3.~~
 20 (b) A vacancy shall be filled by the town council at a regular or
 21 special meeting.
 22 (c) The president of the town council shall give notice of the
 23 meeting. Except as provided in subsections (e) and (f), the meeting
 24 shall be held
 25 (†) not later than thirty (30) days after:
 26 (1) the vacancy occurs if the vacancy is not covered by section 1
 27 of this chapter; or
 28 (2) ~~not later than sixty (60) days after the vacancy occurs if the~~
 29 ~~vacancy is covered by section † of this chapter and exists for more~~
 30 ~~than thirty (30) days. the applicable deadline for a major~~
 31 ~~political party to fill the vacancy as set forth in IC 3-13-11-3.~~
 32 (d) The notice must:
 33 (1) be in writing;
 34 (2) state the purpose of the meeting;
 35 (3) state the date, time, and place of the meeting; and
 36 (4) be sent by first class mail to each council member at least ten
 37 (10) days before the meeting.
 38 (e) If a vacancy:
 39 (1) is not covered by section 1 of this chapter; and
 40 (2) exists because of the death of the town clerk-treasurer;
 41 the council shall meet and select an individual to fill the vacancy not
 42 later than thirty (30) days after the president of the town council



1 receives notice of the death under IC 5-8-6. The president of the town
 2 council may not give the notice required by subsection (c) until the
 3 president of the town council receives notice of the death under
 4 IC 5-8-6.

5 (f) If a vacancy:

- 6 (1) is covered by section 1 of this chapter;
- 7 (2) exists because of the death of the town clerk-treasurer; and
- 8 (3) exists for more than thirty (30) days;

9 the council shall meet and select an individual to fill the vacancy not
 10 later than sixty (60) days after the president of the town council
 11 receives notice of the death under IC 5-8-6. The president of the town
 12 council may not give the notice required by subsection (c) until the
 13 president of the town council receives notice of the death under
 14 IC 5-8-6.

15 (g) If a town council is unable to select an individual to fill a
 16 vacancy in the office by complying with this section, a member of the
 17 town council may assume the duties of the town clerk-treasurer under
 18 IC 36-5-6-9.

19 SECTION 160. IC 3-13-9-4, AS AMENDED BY P.L.119-2005,
 20 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 4. (a) This section applies to a vacancy in the town
 22 council:

- 23 (1) not covered by section 1 of this chapter; or
- 24 (2) covered by section 1 of this chapter, but ~~existing after the~~
 25 ~~thirtieth day after:~~
 26 (A) ~~the vacancy occurs, if IC 5-8-6 does not apply; or~~
 27 (B) ~~the town clerk-treasurer receives the notice required under~~
 28 ~~IC 5-8-6; not filled by a major political party by the~~
 29 ~~applicable deadline set forth in IC 3-13-11-3.~~

30 (b) The vacancy shall be filled by the remaining members of the
 31 council at a regular or special meeting.

32 (c) The town clerk-treasurer shall give notice of the meeting. Except
 33 as provided in subsections (e), (f), (g), and (h), the meeting shall be
 34 held

- 35 (†) not later than thirty (30) days after:
- 36 (1) the vacancy occurs if the vacancy is not covered by section 1
 37 of this chapter; or
- 38 (2) ~~not later than sixty (60) days after the vacancy occurs if the~~
 39 ~~vacancy is covered by section † of this chapter and exists for more~~
 40 ~~than thirty (30) days; the applicable deadline for a major~~
 41 ~~political party to fill the vacancy as set forth in IC 3-13-11-3.~~

42 (d) The notice must:



1 (1) be in writing;
 2 (2) state the purpose of the meeting;
 3 (3) state the date, time, and place of the meeting; and
 4 (4) be sent by first class mail to each council member at least ten
 5 (10) days before the meeting.
 6 (e) If a vacancy:
 7 (1) is not covered by subsection (f) or section 1 of this chapter;
 8 and
 9 (2) exists because a circumstance has occurred under
 10 IC 36-5-2-6.5(3);
 11 the town council shall meet and select an individual to fill the vacancy
 12 not later than thirty (30) days after the town council determines that a
 13 circumstance has occurred under IC 36-5-2-6.5(3).
 14 (f) If a vacancy:
 15 (1) is not covered by subsection (e) or section 1 of this chapter;
 16 and
 17 (2) exists because a circumstance has occurred under
 18 IC 36-5-2-6.5(2);
 19 the town council shall meet and select an individual to fill the vacancy
 20 not later than thirty (30) days after the town clerk-treasurer receives
 21 notice of the death under IC 5-8-6. The town clerk-treasurer may not
 22 give the notice required by subsection (c) until the town clerk-treasurer
 23 receives notice of the death under IC 5-8-6.
 24 (g) If a vacancy:
 25 (1) is covered by section 1 of this chapter and not covered by
 26 subsection (h);
 27 (2) exists because a circumstance has occurred under
 28 IC 36-5-2-6.5(3); and
 29 (3) exists for more than thirty (30) days;
 30 the council shall meet and select an individual to fill the vacancy not
 31 later than sixty (60) days after the town council determines that a
 32 circumstance has occurred under IC 36-5-2-6.5(3).
 33 (h) If a vacancy:
 34 (1) is covered by section 1 of this chapter and not covered by
 35 subsection (g);
 36 (2) exists because a circumstance has occurred under
 37 IC 36-5-2-6.5(2); and
 38 (3) exists for more than thirty (30) days;
 39 the council shall meet and select an individual to fill the vacancy not
 40 later than sixty (60) days after the town clerk-treasurer receives notice
 41 of the death under IC 5-8-6. The town clerk-treasurer may not give the
 42 notice required by subsection (c) until the town clerk-treasurer receives



1 notice of the death under IC 5-8-6.

2 SECTION 161. IC 3-13-10-2, AS AMENDED BY P.L.119-2005,
3 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 2. (a) A vacancy in the office of township trustee:

5 (1) not covered by section 1 of this chapter; or

6 (2) covered by section 1 of this chapter, but ~~that exists after the~~
7 ~~thirtieth day after:~~

8 ~~(A) the vacancy occurs, if IC 5-8-6 does not apply; or~~

9 ~~(B) the county auditor receives the notice required under~~
10 ~~IC 5-8-6; not filled by a major political party by the~~
11 ~~applicable deadline set forth in IC 3-13-11-3;~~

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

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

15 (c) ~~Except as provided in subsections (e) and (f);~~ The meeting shall
16 be held not later than

17 ~~(+) thirty (30) days after:~~

18 ~~(1) the vacancy occurs, if the vacancy is not covered by section 1~~
19 ~~of this chapter; or~~

20 ~~(2) not later than sixty (60) days after the vacancy occurs; if the~~
21 ~~vacancy is covered by section 1 of this chapter and exists for more~~
22 ~~than thirty (30) days: the applicable deadline for a major~~
23 ~~political party to fill the vacancy as set forth in IC 3-13-11-3.~~

24 (d) The notice must:

25 (1) be in writing;

26 (2) state the purpose of the meeting;

27 (3) state the date, time, and place of the meeting; and

28 (4) be sent by first class mail to each commissioner at least ten
29 (10) days before the meeting.

30 (e) If the vacancy:

31 (1) is not covered by section 1 of this chapter; and

32 (2) exists because of the death of the township trustee;

33 the meeting required by subsection (c) shall be held not later than thirty
34 (30) days after the county auditor receives notice of the death under
35 IC 5-8-6. The county auditor may not give the notice required by
36 subsection (b) until the county auditor receives notice of the death
37 under IC 5-8-6.

38 (f) If the vacancy:

39 (1) is covered by section 1 of this chapter;

40 (2) exists because of the death of the township trustee; and

41 (3) exists for more than thirty (30) days;

42 the meeting required under subsection (c) shall be held not later than



1 sixty (60) days after the county auditor receives notice of the death
 2 under IC 5-8-6. The county auditor may not give the notice required by
 3 subsection (b) until the county auditor receives notice of the death
 4 under IC 5-8-6.

5 SECTION 162. IC 3-13-10-4, AS AMENDED BY P.L.194-2013,
 6 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 4. (a) A vacancy on the township board of a
 8 township:

- 9 (1) not covered by section 1 of this chapter; or
- 10 (2) covered by section 1 of this chapter, but ~~that exists after the~~
 11 ~~thirtieth day after:~~
 12 ~~(A) the vacancy occurs, if IC 5-8-6 does not apply; or~~
 13 ~~(B) the county chairman receives the notice required under~~
 14 ~~IC 5-8-6; not filled by a major political party by the~~
 15 ~~applicable deadline set forth in IC 3-13-11-3;~~

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

- 18 (b) The county auditor shall give notice of the meeting.
- 19 (c) Except as provided in subsections (e) and (f), the meeting shall
 20 be held

- 21 ~~(+) not later than thirty (30) days after:~~
 22 ~~(1) the vacancy occurs, if the vacancy is not covered by section 1~~
 23 ~~of this chapter; or~~
 24 ~~(2) not later than sixty (60) days after the vacancy occurs, if the~~
 25 ~~vacancy is covered by section 1 of this chapter and exists for more~~
 26 ~~than thirty (30) days. the applicable deadline for a major~~
 27 ~~political party to fill the vacancy as set forth in IC 3-13-11-3.~~

- 28 (d) The notice must:
 29 (1) be in writing;
 30 (2) state the purpose of the meeting;
 31 (3) state the date, time, and place of the meeting; and
 32 (4) be sent by first class mail to each commissioner at least ten
 33 (10) days before the meeting.

- 34 (e) If a vacancy:
 35 (1) is not covered by section 1 of this chapter; and
 36 (2) exists because of the death of a township board member;

37 the meeting required by subsection (c) shall be held not later than thirty
 38 (30) days after the county auditor receives notice of the death under
 39 IC 5-8-6. The county auditor may not give the notice required under
 40 subsection (b) until the county auditor receives notice of the death
 41 under IC 5-8-6.

- 42 (f) If a vacancy:



1 (1) is covered by section 1 of this chapter;
2 (2) exists because of the death of a township board member; and
3 (3) exists for more than thirty (30) days;
4 the meeting required by subsection (c) shall be held not later than sixty
5 (60) days after the county auditor receives notice of the death under
6 IC 5-8-6. The county auditor may not give the notice required by
7 subsection (b) until the county auditor receives notice of the death
8 under IC 5-8-6.

9 SECTION 163. IC 3-13-11-3, AS AMENDED BY P.L.74-2017,
10 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsections (b)
12 and (e) and section 3.5 of this chapter, after a vacancy occurs and not
13 later than ten (10) days after a vacancy occurs in an office subject to
14 this chapter, the county chairman:
15 (1) of the county in which the greatest percentage of the
16 population of the election district of the office is located; and
17 (2) of the same political party that elected or selected the official
18 who vacated the office;
19 shall give notice of a caucus to all eligible precinct committeemen.
20 (b) A county chairman may give notice of a caucus before the time
21 specified under subsection (a) if a vacancy will exist because the
22 official has:
23 (1) submitted a written resignation under IC 5-8-3.5; **or**
24 (2) been elected to another office; **or**
25 **(3) submitted a notice under IC 5-9-4 to take a leave of**
26 **absence for active duty in the armed forces or national guard.**
27 (c) Notwithstanding IC 5-8-4, a person may not withdraw the
28 person's resignation after the resignation has been accepted by the
29 person authorized to accept the resignation less than seventy-two (72)
30 hours before the announced starting time of a caucus under this section.
31 (d) Except as provided in ~~subsection~~ **subsections** (e), **(f)**, and
32 section 3.5 of this chapter, a caucus under this section shall be held
33 after giving notice to caucus members under section 4 of this chapter
34 and not later than thirty (30) days after the vacancy occurs.
35 (e) If a vacancy exists in an office because of the death of the
36 officeholder, the caucus shall meet and select an individual to fill the
37 vacancy not later than thirty (30) days after the county chairman
38 receives notice of the death under IC 5-8-6. The county chairman shall
39 give notice to caucus members under section 4 of this chapter. The
40 county chairman may not give the notice required by section 4 of this
41 chapter until the county chairman receives notice of the death under
42 IC 5-8-6.



1 (f) If a person or entity that receives notice of a resignation
 2 under IC 5-8-3.5-1(b) fails to provide timely notice of the
 3 resignation to the person or entity with the power to fill the
 4 vacancy or call the caucus, the person or entity with the power to
 5 fill the vacancy or call that caucus:

6 (1) may immediately proceed to fill the vacancy or call the
 7 caucus without prior receipt of the notice; and

8 (2) must do so not later than thirty (30) days after receiving
 9 the notice from the person or entity that received the notice of
 10 resignation.

11 SECTION 164. IC 3-14-2-1, AS AMENDED BY P.L.158-2013,
 12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 1. A person who knowingly does any of the
 14 following commits a Level 6 felony:

15 (1) Conspires with an individual for the purpose of encouraging
 16 the individual to submit a false application for registration.

17 (2) Conspires with an individual for the purpose of encouraging
 18 the individual to vote illegally.

19 (3) Pays or offers to pay an individual **any property** for doing any
 20 of the following:

21 (A) Applying for an absentee ballot.

22 (B) Casting an absentee ballot.

23 (C) Registering to vote.

24 (D) Voting.

25 (4) Accepts the payment of any property for doing any of the
 26 following:

27 (A) Applying for an absentee ballot.

28 (B) Casting an absentee ballot.

29 (C) Registering to vote.

30 (D) Voting.

31 (5) Pays or offers to pay an individual **any property based on**
 32 **the number of signatures obtained to place a candidate or**
 33 **public question on a ballot. This subdivision does not prohibit**
 34 **payment for gathering signatures not based, either directly or**
 35 **indirectly, on the number of signatures obtained to place a**
 36 **candidate or public question on a ballot.**

37 (6) Pays or offers to pay an individual **any property based on**
 38 **the number of absentee ballot applications or voter**
 39 **registration applications obtained by the individual. This**
 40 **subdivision does not prohibit payment for gathering absentee**
 41 **ballot applications or voter registration applications not**
 42 **based, either directly or indirectly, on the number of**



1 **applications obtained.**
 2 SECTION 165. IC 5-6-1-2 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Subsection (b)
 4 does not apply to the deputy of a circuit court clerk **or a deputy**
 5 **described in IC 5-4-1-1(c).**
 6 (b) Deputies shall take the oath required of their principals.
 7 (c) A deputy may perform all the official duties of the deputy's
 8 principal, being subject to the same regulations and penalties.
 9 SECTION 166. IC 5-8-6-3, AS ADDED BY P.L.119-2005,
 10 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2019]: Sec. 3. (a) A person who knows of the death of an
 12 officeholder may certify the death to the following:
 13 (1) The governor, in the case of the death of any of the following:
 14 (A) An individual who holds a state office (as defined in
 15 IC 3-5-2-48).
 16 (B) An individual who is a judge of a circuit, superior, **small**
 17 **claims**, probate, ~~county~~, or city court.
 18 (2) The secretary of state, in the case of the death of an individual
 19 who holds a legislative office (as defined in IC-3-5-2-28).
 20 (3) The **prosecuting attorney and** circuit court clerk of the
 21 county in which the officeholder resided, in the case of the death
 22 of an officeholder of a county, city, town, township, or school
 23 corporation not covered under subdivision (1).
 24 (b) A person who certifies the death of an officeholder shall:
 25 (1) state the information that causes the person to believe the
 26 officeholder has died; and
 27 (2) certify, under the penalties for perjury, that to the best of the
 28 person's knowledge and belief, the information stated is true.
 29 SECTION 167. IC 7.1-3-20-16.1, AS AMENDED BY P.L.2-2007,
 30 SECTION 131, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2019]: Sec. 16.1. (a) This section applies to a
 32 municipal riverfront development project authorized under section
 33 16(d) of this chapter.
 34 (b) In order to qualify for a permit, an applicant must demonstrate
 35 that the municipal riverfront development project area where the permit
 36 is to be located meets the following criteria:
 37 (1) The project boundaries must border on at least one (1) side of
 38 a river.
 39 (2) The proposed permit premises may not be located more than:
 40 (A) one thousand five hundred (1,500) feet; or
 41 (B) three (3) city blocks;
 42 from the river, whichever is greater. However, if the area adjacent



- 1 to the river is incapable of being developed because the area is in
- 2 a floodplain, or for any other reason that prevents the area from
- 3 being developed, the distances described in clauses (A) and (B)
- 4 are measured from the city blocks located nearest to the river that
- 5 are capable of being developed.
- 6 (3) The permit premises are located within:
 - 7 (A) an economic development area, a redevelopment project
 - 8 area, an urban renewal area, or a redevelopment area
 - 9 established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;
 - 10 (B) an economic development project district under
 - 11 IC 36-7-15.2 or IC 36-7-26; or
 - 12 (C) a community revitalization enhancement district
 - 13 designated under IC 36-7-13-12.1.
- 14 (4) The project must be funded in part with state and city money.
- 15 (5) The boundaries of the municipal riverfront development
- 16 project must be designated by ordinance or resolution by the
- 17 legislative body (as defined in ~~IC 36-1-2-9(3)~~ **IC 36-1-2-9(2)** or
- 18 ~~IC 36-1-2-9(4)~~ **IC 36-1-2-9(3)**) of the city in which the project
- 19 is located.
- 20 (c) Proof of compliance with subsection (b) must consist of the
- 21 following documentation, which is required at the time the permit
- 22 application is filed with the commission:
 - 23 (1) A detailed map showing:
 - 24 (A) definite boundaries of the entire municipal riverfront
 - 25 development project; and
 - 26 (B) the location of the proposed permit within the project.
 - 27 (2) A copy of the local ordinance or resolution of the local
 - 28 governing body authorizing the municipal riverfront development
 - 29 project.
 - 30 (3) Detailed information concerning the expenditures of state and
 - 31 city funds on the municipal riverfront development project.
- 32 (d) Notwithstanding subsection (b), the commission may issue a
- 33 permit for premises, the location of which does not meet the criteria of
- 34 subsection (b)(2), if all the following requirements are met:
 - 35 (1) All other requirements of this section and section 16(d) of this
 - 36 chapter are satisfied.
 - 37 (2) The proposed premises is located not more than:
 - 38 (A) three thousand (3,000) feet; or
 - 39 (B) six (6) blocks;
 - 40 from the river, whichever is greater. However, if the area adjacent
 - 41 to the river is incapable of being developed because the area is in
 - 42 a floodplain, or for any other reason that prevents the area from



- 1 being developed, the distances described in clauses (A) and (B)
- 2 are measured from the city blocks located nearest to the river that
- 3 are capable of being developed.
- 4 (3) The permit applicant satisfies the criteria established by the
- 5 commission by rule adopted under IC 4-22-2. The criteria
- 6 established by the commission may require that the proposed
- 7 premises be located in an area or district set forth in subsection
- 8 (b)(3).
- 9 (4) The permit premises may not be located less than two hundred
- 10 (200) feet from facilities owned by a state educational institution.
- 11 (e) A permit may not be issued if the proposed permit premises is
- 12 the location of an existing three-way permit subject to IC 7.1-3-22-3.
- 13 SECTION 168. IC 11-8-2-5, AS AMENDED BY P.L.130-2018,
- 14 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2019]: Sec. 5. (a) The commissioner shall do the following:
- 16 (1) Organize the department and employ personnel necessary to
- 17 discharge the duties and powers of the department.
- 18 (2) Administer and supervise the department, including all state
- 19 owned or operated correctional facilities.
- 20 (3) Except for employees of the parole board, be the appointing
- 21 authority for all positions in the department.
- 22 (4) Define the duties of a deputy commissioner and a warden.
- 23 (5) Accept committed persons for study, evaluation,
- 24 classification, custody, care, training, and reintegration.
- 25 (6) Determine the capacity of all state owned or operated
- 26 correctional facilities and programs and keep all Indiana courts
- 27 having criminal or juvenile jurisdiction informed, on a quarterly
- 28 basis, of the populations of those facilities and programs.
- 29 (7) Utilize state owned or operated correctional facilities and
- 30 programs to accomplish the purposes of the department and
- 31 acquire or establish, according to law, additional facilities and
- 32 programs whenever necessary to accomplish those purposes.
- 33 (8) Develop policies, programs, and services for committed
- 34 persons, for administration of facilities, and for conduct of
- 35 employees of the department.
- 36 (9) Administer, according to law, the money or other property of
- 37 the department and the money or other property retained by the
- 38 department for committed persons.
- 39 (10) Keep an accurate and complete record of all department
- 40 proceedings, which includes the responsibility for the custody and
- 41 preservation of all papers and documents of the department.
- 42 (11) Make an annual report to the governor according to



- 1 subsection (c).
 2 (12) Develop, collect, and maintain information concerning
 3 offenders, sentencing practices, and correctional treatment as the
 4 commissioner considers useful in penological research or in
 5 developing programs.
 6 (13) Cooperate with and encourage public and private agencies
 7 and other persons in the development and improvement of
 8 correctional facilities, programs, and services.
 9 (14) Explain correctional programs and services to the public.
 10 (15) As required under ~~42 U.S.C. 15483~~, after January 1, 2006, **52**
 11 **U.S.C. 21083**, provide information to the election division to
 12 coordinate the computerized list of voters maintained under
 13 IC 3-7-26.3 with department records concerning individuals
 14 disfranchised under IC 3-7-46.
 15 (16) Make an annual report to the legislative council in an
 16 electronic format under IC 5-14-6 before September 1 of each
 17 year.
 18 (b) The commissioner may:
 19 (1) when authorized by law, adopt departmental rules under
 20 IC 4-22-2;
 21 (2) delegate powers and duties conferred on the commissioner by
 22 law to a deputy commissioner or commissioners and other
 23 employees of the department;
 24 (3) issue warrants for the return of escaped committed persons (an
 25 employee of the department or any person authorized to execute
 26 warrants may execute a warrant issued for the return of an
 27 escaped person);
 28 (4) appoint personnel to be sworn in as correctional police
 29 officers; and
 30 (5) exercise any other power reasonably necessary in discharging
 31 the commissioner's duties and powers.
 32 (c) The annual report of the department shall be transmitted to the
 33 governor by September 1 of each year and must contain:
 34 (1) a description of the operation of the department for the fiscal
 35 year ending June 30;
 36 (2) a description of the facilities and programs of the department;
 37 (3) an evaluation of the adequacy and effectiveness of those
 38 facilities and programs considering the number and needs of
 39 committed persons or other persons receiving services; and
 40 (4) any other information required by law.
 41 Recommendations for alteration, expansion, or discontinuance of
 42 facilities or programs, for funding, or for statutory changes may be



1 included in the annual report.
 2 SECTION 169. IC 13-11-2-74, AS AMENDED BY P.L.77-2014,
 3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2019]: Sec. 74. "Executive" means the **following**:
 5 (1) **The** board of commissioners of a county that
 6 ~~(A) does not have a consolidated city. and~~
 7 ~~(B) is not subject to IC 36-2-2.5;~~
 8 (2) ~~single county executive elected under IC 3-10-2-13; for a~~
 9 ~~county that:~~
 10 ~~(A) does not have a consolidated city; and~~
 11 ~~(B) is subject to IC 36-2-2.5;~~
 12 ~~(3) (2) The~~ mayor of the consolidated city, for a county having a
 13 consolidated city.
 14 ~~(4) (3) The~~ mayor of a city. ~~or~~
 15 ~~(5) (4) The~~ president of the town council of a town.
 16 SECTION 170. IC 20-23-6-5, AS AMENDED BY P.L.169-2017,
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2019]: Sec. 5. (a) If a petition is filed in one (1) or more of the
 19 school corporations protesting consolidation as provided in this chapter
 20 by the legal voters of any school corporation the governing body of
 21 which proposes to consolidate, the governing body in each school
 22 corporation in which a protest petition is filed shall certify the public
 23 question to each county election board of the county in which the
 24 school corporation is located. The county election board shall call an
 25 election of the voters of the school corporation to determine if a
 26 majority of the legal voters of the corporation is in favor of
 27 consolidating the school corporations.
 28 (b) If a protest is filed in more than one (1) school corporation, the
 29 elections shall be held on the same day. Each county election board
 30 shall give notice by publication once each week for two (2) consecutive
 31 weeks in a newspaper of general circulation in the school corporation.
 32 If a newspaper is not published in the:
 33 (1) township;
 34 (2) town; or
 35 (3) city;
 36 the notice shall be published in the nearest newspaper published in the
 37 county or counties, that on a day and at an hour to be named in the
 38 notice, the polls will be open at the usual voting places in the various
 39 precincts in the corporation for taking the vote of the legal voters upon
 40 whether the school corporation shall be consolidated with the other
 41 school corporations joining in the resolution.
 42 (c) The public question shall be placed on the ballot in the form



1 provided by IC 3-10-9-4 and must state: "Shall (insert name of school
2 corporation) be consolidated with (insert names of other school
3 corporations)?".

4 (d) Notice shall be given not later than thirty (30) days after the
5 petition is filed. The election shall be held not less than ten (10) days
6 or more than twenty (20) days after the last publication of the notice.

7 (e) The governing body of each school corporation in which an
8 election is held is bound by the majority vote of those voting. However,
9 if the election falls within a period of not more than six (6) months
10 before a primary or general election, the election shall be held
11 concurrently with the primary or general election **if the public**
12 **question is certified to the county election board not later than the**
13 **deadline set forth in IC 3-10-9-3.**

14 (f) If a majority of those voting in any one (1) school corporation
15 votes against the plan of consolidation, the plan fails. However, the
16 failure does not prevent any or all the school corporations from taking
17 further initial action for the consolidation of school corporations under
18 this chapter.

19 SECTION 171. IC 20-23-8-8.5, AS ADDED BY P.L.271-2013,
20 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2019]: Sec. 8.5. (a) ~~Not later than December 31, 2013~~; The
22 governing body shall do the following:

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

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

30 (b) This subsection applies during the first year after a year in which
31 a federal decennial census is conducted. The governing body shall
32 amend the plan under section 8 of this chapter if an amendment is
33 necessary to reestablish the districts in compliance with section 8 of
34 this chapter. If the governing body determines that a plan amendment
35 under section 8 of this chapter is not required, the governing body shall
36 recertify that the districts as established comply with section 8 of this
37 chapter.

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

41 (1) A copy of the amendment.

42 (2) Either of the following:



- 1 (A) A certification that the plan amendment does not require
- 2 reestablishment of the school corporation's election districts to
- 3 comply with section 8 of this chapter.
- 4 (B) If the plan amendment requires reestablishment of the
- 5 school corporation's election districts to comply with section
- 6 8 of this chapter, a map of the new district boundaries.
- 7 (d) A plan amendment or recertification under this section must be
- 8 filed not later than thirty (30) days after the amendment or
- 9 recertification occurs.
- 10 (e) If a conflict exists between:
- 11 (1) a map showing the boundaries of a district; and
- 12 (2) a description of the boundaries of that district set forth in the
- 13 plan or plan amendment;
- 14 the district boundaries are the description of the boundaries set forth in
- 15 the plan or plan amendment, not the boundaries shown on the map, to
- 16 the extent there is a conflict between the description and the map.
- 17 SECTION 172. IC 20-23-12-9, AS AMENDED BY P.L.74-2017,
- 18 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2019]: Sec. 9. The members are elected as follows:
- 20 (1) Three (3) of the members elected under section 3(b) of this
- 21 chapter are elected at the general election to be held in 2020 and
- 22 every four (4) years thereafter.
- 23 (2) Three (3) of the members elected under section 3(b) of this
- 24 chapter are elected at the general election to be held in ~~2018~~ **2022**
- 25 and every four (4) years thereafter.
- 26 (3) The at-large member elected under section 3(c) of this chapter
- 27 is elected at the general election to be held in 2020 and every four
- 28 (4) years thereafter.
- 29 SECTION 173. IC 20-23-14-9, AS AMENDED BY P.L.74-2017,
- 30 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2019]: Sec. 9. The members are elected as follows:
- 32 (1) Three (3) of the members are elected at the general election to
- 33 be held in 2020 and every four (4) years thereafter.
- 34 (2) Two (2) of the members are elected at the general election to
- 35 be held in ~~2018~~ **2022** and every four (4) years thereafter.
- 36 SECTION 174. IC 20-23-17.2-3.1, AS AMENDED BY
- 37 P.L.74-2017, SECTION 73, IS AMENDED TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2019]: Sec. 3.1. (a) The governing body of the
- 39 school corporation consists of five (5) members, elected as provided in
- 40 this chapter.
- 41 (b) Three (3) members shall be elected as follows:
- 42 (1) From districts established as provided in section 4.1 of this



- 1 chapter.
- 2 (2) On a nonpartisan basis.
- 3 (3) At the general election held in the county in ~~2018~~ **2022** and
- 4 every four (4) years thereafter.
- 5 (c) Two (2) members shall be elected as follows:
- 6 (1) At large by all the voters of the school corporation.
- 7 (2) On a nonpartisan basis.
- 8 (3) At the general election held in the county in ~~2016~~ **2020** and
- 9 every four (4) years thereafter.
- 10 (d) The term of office of a member of the governing body:
- 11 (1) is four (4) years; and
- 12 (2) begins January 1 after the election of members of the
- 13 governing body.
- 14 (e) Upon assuming office and in conducting the business of the
- 15 governing body, a member shall represent the interests of the entire
- 16 school corporation.
- 17 SECTION 175. IC 20-24-2.3-2, AS AMENDED BY P.L.77-2014,
- 18 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2019]: Sec. 2. As used in this chapter, "executive" has the
- 20 meaning set forth in ~~IC 36-1-2-5(3)~~. **IC 36-1-2-5(2)**.
- 21 SECTION 176. IC 20-46-1-14, AS AMENDED BY P.L.85-2017,
- 22 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 UPON PASSAGE]: Sec. 14. (a) The referendum shall be held in the
- 24 next primary election, general election, or municipal election in which
- 25 all the registered voters who are residents of the appellant school
- 26 corporation are entitled to vote after certification of the question under
- 27 IC 3-10-9-3. The certification of the question must occur not later than
- 28 noon:
- 29 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if
- 30 the question is to be placed on the primary or municipal primary
- 31 election ballot; or
- 32 (2) August 1 if the question is to be placed on the general or
- 33 municipal election ballot.
- 34 (b) However, if a primary election, general election, or municipal
- 35 election will not be held during the first year in which the public
- 36 question is eligible to be placed on the ballot under this chapter and if
- 37 the appellant school corporation requests the public question to be
- 38 placed on the ballot at a special election, the public question shall be
- 39 placed on the ballot at a special election to be held on the first Tuesday
- 40 after the first Monday in May or November of the year. The
- 41 certification must occur not later than noon:
- 42 (1) sixty (60) days before a special election to be held in May (if



1 the special election is to be held in May); or
 2 (2) on August 1 (if the special election is to be held in
 3 November).
 4 (c) If the referendum is not conducted at a primary election, general
 5 election, or municipal election, the appellant school corporation in
 6 which the referendum is to be held shall pay all the costs of holding the
 7 referendum.
 8 SECTION 177. IC 33-35-1-1, AS AMENDED BY P.L.161-2018,
 9 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 1. (a) During ~~2018~~ **2022** and every fourth year
 11 after that, a second or third class city or a town may by ordinance
 12 establish or abolish a city or town court. An ordinance to establish a
 13 city or town court must be adopted not less than one (1) year before the
 14 judge's term would begin under section 3 of this chapter.
 15 (b) The judge for a court established under subsection (a) shall be
 16 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in
 17 November 2019 and every four (4) years thereafter.
 18 (c) A court established under subsection (a) comes into existence on
 19 January 1 of the year following the year in which a judge is elected to
 20 serve in that court.
 21 (d) A city or town court in existence on January 1, 1986, may
 22 continue in operation until it is abolished by ordinance.
 23 (e) A city or town that establishes or abolishes a court under this
 24 section shall give notice of its action to **the following**:
 25 (1) The office of judicial administration under IC 33-24-6.
 26 (2) **The secretary of state.**
 27 (3) **The circuit court clerk of the county in which the greatest**
 28 **population of the city or town resides.**
 29 SECTION 178. IC 35-52-36-1.5 IS REPEALED [EFFECTIVE
 30 JULY 1, 2019]. ~~Sec. 1-5: IC 36-2-2.5-15 defines a crime concerning~~
 31 ~~single county executives.~~
 32 SECTION 179. IC 36-1-2-5, AS AMENDED BY P.L.77-2014,
 33 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 5. "Executive" means the **following**:
 35 (1) **The** board of commissioners, for a county that
 36 ~~(A) does not have a consolidated city, and~~
 37 ~~(B) is not subject to IC 36-2-2.5;~~
 38 ~~(2) single county executive elected under IC 3-10-2-13, for a~~
 39 ~~county that:~~
 40 ~~(A) does not have a consolidated city; and~~
 41 ~~(B) is subject to IC 36-2-2.5;~~
 42 ~~(3)~~ **(2) The** mayor of the consolidated city, for a county having a



- 1 consolidated city.
- 2 ~~(4)~~ (3) The mayor, for a city.
- 3 ~~(5)~~ (4) The president of the town council, for a town.
- 4 ~~(6)~~ (5) The trustee, for a township.
- 5 ~~(7)~~ (6) The superintendent, for a school corporation. or
- 6 ~~(8)~~ (7) The chief executive officer, for any other political
- 7 subdivision.

8 SECTION 180. IC 36-1-2-9, AS AMENDED BY P.L.77-2014,
 9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 9. "Legislative body" means the **following**:

- 11 (1) The board of county commissioners, for a county not subject
- 12 to ~~IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.~~
- 13 ~~(2) county council, for a county subject to IC 36-2-2.5 or~~
- 14 ~~IC 36-2-3.5;~~
- 15 ~~(3) (2) The city-county council, for a consolidated city or county~~
- 16 ~~having a consolidated city.~~
- 17 ~~(4) (3) The common council, for a city other than a consolidated~~
- 18 ~~city.~~
- 19 ~~(5) (4) The town council, for a town.~~
- 20 ~~(6) (5) The township board, for a township.~~
- 21 ~~(7) (6) The governing body of any other political subdivision that~~
- 22 ~~has a governing body. or~~
- 23 ~~(8) (7) The chief executive officer of any other political~~
- 24 ~~subdivision that does not have a governing body.~~

25 SECTION 181. IC 36-1-2-24, AS AMENDED BY P.L.77-2014,
 26 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 24. "Works board" means the **following**:

- 28 (1) The board of commissioners, for a county
- 29 ~~(A) not having a consolidated city. and~~
- 30 ~~(B) not subject to IC 36-2-2.5;~~
- 31 ~~(2) single county executive for a county:~~
- 32 ~~(A) not having a consolidated city; and~~
- 33 ~~(B) subject to IC 36-2-2.5;~~
- 34 ~~(3) (2) The board of public works or board of public works and~~
- 35 ~~safety, for a city. or~~
- 36 ~~(4) (3) The town council, for a town.~~

37 SECTION 182. IC 36-1-3-6, AS AMENDED BY P.L.77-2014,
 38 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 6. (a) If there is a constitutional or statutory
 40 provision requiring a specific manner for exercising a power, a unit
 41 wanting to exercise the power must do so in that manner.

- 42 (b) If there is no constitutional or statutory provision requiring a



1 specific manner for exercising a power, a unit wanting to exercise the
 2 power must either:
 3 (1) if the unit is a county or municipality, adopt an ordinance
 4 prescribing a specific manner for exercising the power;
 5 (2) if the unit is a township, adopt a resolution prescribing a
 6 specific manner for exercising the power; or
 7 (3) comply with a statutory provision permitting a specific manner
 8 for exercising the power.
 9 (c) An ordinance under subsection (b)(1) must be adopted as
 10 follows:
 11 (1) In a municipality, by the legislative body of the municipality.
 12 (2) In a county subject to ~~IC 36-2-2.5; IC 36-2-3.5;~~ or IC 36-3-1,
 13 by the legislative body of the county.
 14 (3) In any other county, by the executive of the county.
 15 (d) A resolution under subsection (b)(2) must be adopted by the
 16 legislative body of the township.
 17 SECTION 183. IC 36-2-2-1, AS AMENDED BY P.L.77-2014,
 18 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 1. Except as specifically provided, this chapter
 20 does not apply to ~~the following~~:
 21 ~~(1) a county having a consolidated city.~~
 22 ~~(2) A county in which a single county executive has been elected~~
 23 ~~and is serving under IC 36-2-2.5.~~
 24 SECTION 184. IC 36-2-2.4 IS REPEALED [EFFECTIVE JULY 1,
 25 2019]. (Determination of County Government Structure).
 26 SECTION 185. IC 36-2-2.5 IS REPEALED [EFFECTIVE JULY 1,
 27 2019]. (Single County Executive).
 28 SECTION 186. IC 36-2-2.7 IS REPEALED [EFFECTIVE JULY 1,
 29 2019]. (Reversion to Previous County Government Structure).
 30 SECTION 187. IC 36-2-3-4, AS AMENDED BY P.L.77-2014,
 31 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 4. (a) This subsection does not apply to a county
 33 having a population of:
 34 (1) more than four hundred thousand (400,000) but less than
 35 seven hundred thousand (700,000); or
 36 (2) more than two hundred fifty thousand (250,000) but less than
 37 two hundred seventy thousand (270,000).
 38 ~~Except as provided in section 4.1 of this chapter,~~ The county executive
 39 shall, by ordinance, divide the county into four (4) contiguous,
 40 single-member districts that comply with subsection (d). If necessary,
 41 the county auditor shall call a special meeting of the executive to
 42 establish or revise districts. One (1) member of the fiscal body shall be



1 elected by the voters of each of the four (4) districts. Three (3) at-large
 2 members of the fiscal body shall be elected by the voters of the whole
 3 county.

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

11 (c) This subsection applies to a county having a population of more
 12 than two hundred fifty thousand (250,000) but less than two hundred
 13 seventy thousand (270,000). The fiscal body shall divide the county
 14 into nine (9) single-member districts that comply with subsection (d).
 15 Three (3) of these districts must be contained within each of the three
 16 (3) districts established under IC 36-2-2-4(c). One (1) member of the
 17 fiscal body shall be elected by the voters of each of these nine (9)
 18 single-member districts.

19 (d) Single-member districts established under subsection (a), (b), or
 20 (c) must:

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

24 (2) not cross precinct boundary lines;

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

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

28 (e) Except as provided by subsection (g), a division under
 29 subsection (a), (b), or (c) shall be made:

30 (1) during the first year after a year in which a federal decennial
 31 census is conducted; and

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

34 (f) A division under subsection (a), (b), or (c) may be made in any
 35 odd-numbered year not described in subsection (e). ~~In a county in~~
 36 ~~which a public question is approved under IC 36-2-2.7-5, a division~~
 37 ~~under subsection (a) shall be made by the county council during the~~
 38 ~~year before county council members will be elected under~~
 39 ~~IC 36-2-2.7-6(8).~~

40 (g) This subsection applies during the first year after a year in which
 41 a federal decennial census is conducted. If the county executive, county
 42 redistricting commission, or county fiscal body determines that a



1 division under subsection (e) is not required, the county executive,
2 county redistricting commission, or county fiscal body shall adopt an
3 ordinance recertifying that the districts as drawn comply with this
4 section.

5 (h) Each time there is a division under subsection (e) or (f) or a
6 recertification under subsection (g), the county executive, county
7 redistricting commission, or county fiscal body shall file with the
8 circuit court clerk of the county, not later than thirty (30) days after the
9 division or recertification occurs, a map of the district boundaries:

- 10 (1) adopted under subsection (e) or (f); or
- 11 (2) recertified under subsection (g).

12 (i) The limitations set forth in this section are part of the ordinance,
13 but do not have to be specifically set forth in the ordinance. The
14 ordinance must be construed, if possible, to comply with this chapter.
15 If a provision of the ordinance or an application of the ordinance
16 violates this chapter, the invalidity does not affect the other provisions
17 or applications of the ordinance that can be given effect without the
18 invalid provision or application. The provisions of the ordinance are
19 severable.

20 (j) If a conflict exists between:

- 21 (1) a map showing the boundaries of a district; and
- 22 (2) a description of the boundaries of that district set forth in the
23 ordinance;

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

27 SECTION 188. IC 36-2-3-4.1 IS REPEALED [EFFECTIVE JULY
28 1, 2019]. Sec. 4.1: (a) This section applies only to a county:

- 29 (1) that has a population of more than three hundred thousand
30 (300,000) but less than four hundred thousand (400,000); and
- 31 (2) in which a public question under IC 36-2-2.4 making the
32 county executive a single county executive has been approved by
33 the voters of the county;

34 (b) Effective for the 2018 general election, the county fiscal body
35 shall by ordinance divide the county into nine (9) contiguous,
36 single-member districts that comply with subsection (c). One (1)
37 member of the fiscal body shall be elected by the voters of each of the
38 nine (9) districts.

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

- 40 (1) be compact, subject only to natural boundary lines (such as
41 railroads, major highways, rivers, creeks, parks, and major
42 industrial complexes);



- 1 (2) not cross precinct boundary lines;
- 2 (3) contain, as nearly as possible, equal population;
- 3 (4) include whole townships, except when a division is clearly
- 4 necessary to accomplish redistricting under this section;
- 5 (5) consider how communities of interest within the county can
- 6 best be represented; and
- 7 (6) be drawn so as to provide at least one (1) representative to
- 8 each distinct community of interest to the extent practicable and
- 9 not inconsistent with other applicable law.
- 10 (d) A division under subsection (b) shall be made:
- 11 (1) effective for the 2018 general election; and
- 12 (2) whenever the county executive adopts an order declaring a
- 13 county boundary to be changed under IC 36-2-1-2.
- 14 (e) After a division is initially made under subsection (b); another
- 15 division may be made in any odd-numbered year not described in
- 16 subsection (d).
- 17 SECTION 189. IC 36-2-3.7 IS REPEALED [EFFECTIVE JULY 1,
- 18 2019]. (County Council as the County Legislative Body).
- 19 SECTION 190. IC 36-2-4-8, AS AMENDED BY P.L.77-2014,
- 20 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2019]: Sec. 8. (a) An ordinance, order, or resolution is
- 22 considered adopted when it is signed by the presiding officer. If
- 23 required, an adopted ordinance, order, or resolution must be
- 24 promulgated or published according to statute before it takes effect.
- 25 (b) An ordinance prescribing a penalty or forfeiture for a violation
- 26 must, before it takes effect, be published once each week for two (2)
- 27 consecutive weeks, according to IC 5-3-1. However, if such an
- 28 ordinance is adopted by the legislative body of a county subject to
- 29 IC 36-2-2.5 or IC 36-2-3.5 and there is an urgent necessity requiring its
- 30 immediate effectiveness, it need not be published if:
- 31 (1) the county executive proclaims the urgent necessity; and
- 32 (2) copies of the ordinance are posted in three (3) public places in
- 33 each of the districts of the county before it takes effect.
- 34 (c) The following apply in addition to the other requirements of this
- 35 section:
- 36 (1) An ordinance or resolution passed by the legislative body of
- 37 a county subject to IC 36-2-2.5 or IC 36-2-3.5 is considered
- 38 adopted only if it is:
- 39 (A) approved by signature of a majority of the county
- 40 executive (in the case of a county subject to IC 36-2-3.5) or by
- 41 signature of the single county executive (in the case of a
- 42 county subject to IC 36-2-2.5);



- 1 (B) neither approved nor vetoed by a majority of the executive
- 2 (in the case of a county subject to IC 36-2-3.5) or by the single
- 3 county executive (in the case of a county subject to
- 4 IC 36-2-2.5); within ten (10) days after passage by the
- 5 legislative body; or
- 6 (C) passed over the veto of the executive by a two-thirds (2/3)
- 7 vote of the legislative body; within sixty (60) days after
- 8 presentation of the ordinance or resolution to the executive.
- 9 (2) (1) Subject to subsection (g), the legislative body of a county
- 10 shall:
- 11 (A) subject to subdivision (3), give written notice to the
- 12 department of environmental management not later than sixty
- 13 (60) days before amendment or repeal of an environmental
- 14 restrictive ordinance; and
- 15 (B) give written notice to the department of environmental
- 16 management not later than thirty (30) days after passage,
- 17 amendment, or repeal of an environmental restrictive
- 18 ordinance.
- 19 (3) (2) Upon written request by the legislative body, the
- 20 department of environmental management may waive the notice
- 21 requirement of subdivision (2)(A): (1)(A).
- 22 (4) (3) An environmental restrictive ordinance passed or amended
- 23 after 2009 by the legislative body must state the notice
- 24 requirements of subdivision (2): (1).
- 25 (5) (4) The failure of an environmental restrictive ordinance to
- 26 comply with subdivision (4) (3) does not void the ordinance.
- 27 (d) After an ordinance or resolution passed by the legislative body
- 28 of a county subject to IC 36-2-2.5 or IC 36-2-3.5 has been signed by the
- 29 presiding officer, the county auditor shall present it to the county
- 30 executive, and record the time of the presentation. Within ten (10) days
- 31 after an ordinance or resolution is presented to it, the executive shall:
- 32 (1) approve the ordinance or resolution; by signature of a majority
- 33 of the executive (in the case of a county subject to IC 36-2-3.5) or
- 34 by signature of the single county executive (in the case of a
- 35 county subject to IC 36-2-2.5); and send the legislative body a
- 36 message announcing its approval; or
- 37 (2) veto the ordinance or resolution; by returning it to the
- 38 legislative body with a message announcing its veto and stating
- 39 its reasons for the veto.
- 40 (e) (d) This section (other than subsection (e)(2)) (c)(1)) does not
- 41 apply to a zoning ordinance or amendment to a zoning ordinance, or a
- 42 resolution approving a comprehensive plan, that is adopted under



1 IC 36-7.
 2 ~~(f)~~ (e) An ordinance increasing a building permit fee on new
 3 development must:
 4 (1) be published:
 5 (A) one (1) time in accordance with IC 5-3-1; and
 6 (B) not later than thirty (30) days after the ordinance is
 7 adopted by the legislative body in accordance with IC 5-3-1;
 8 and
 9 (2) delay the implementation of the fee increase for ninety (90)
 10 days after the date the ordinance is published under subdivision
 11 (1).
 12 (g) The notice requirements of subsection ~~(e)(2)~~ (c)(1) apply only
 13 if the municipal corporation received under IC 13-25-5-8.5(f) written
 14 notice that the department is relying on the environmental restrictive
 15 ordinance referred to in subsection ~~(e)(2)~~ (c)(1) as part of a risk based
 16 remediation proposal:
 17 (1) approved by the department; and
 18 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or
 19 IC 13-25-5.
 20 SECTION 191. IC 36-5-1-20, AS AMENDED BY P.L.77-2014,
 21 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]: Sec. 20. (a) This section does not apply to a town
 23 described by IC 36-5-1-11.5.
 24 (b) A town subject to this chapter may be dissolved if the county
 25 election board of the county in which the greatest percentage of
 26 population of the town is located conducts a public hearing and finds
 27 that the town has not elected town officers or had a functioning town
 28 government during the preceding ten (10) years.
 29 (c) The county election board shall certify the board's findings to the
 30 county executive, who may adopt an ordinance. ~~or (in a county subject~~
 31 ~~to IC 36-2-2.5 or IC 36-2-3.5) issue an order to dissolve the town.~~
 32 SECTION 192. IC 36-6-6-2, AS AMENDED BY P.L.266-2013,
 33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 2. (a) Except as provided in subsection (b) and
 35 section 2.1 of this chapter, a three (3) member township board shall be
 36 elected under IC 3-10-2-13 by the voters of each township.
 37 (b) The township board in a county containing a consolidated city
 38 shall consist of ~~the following~~:
 39 ~~(1) Before January 1, 2017, seven (7) members elected under~~
 40 ~~IC 3-10-2-13 by the voters of each township.~~
 41 ~~(2) After December 31, 2016, five (5) members elected under~~
 42 ~~IC 3-10-2-13 by the voters of each township.~~



- 1 (c) The township board is the township legislative body.
- 2 (d) The term of office of a township board member is four (4) years,
- 3 beginning January 1 after election and continuing until a successor is
- 4 elected and qualified.
- 5 SECTION 193. IC 36-6-6-2.3, AS ADDED BY P.L.10-2018,
- 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2019]: Sec. 2.3. (a) This section does not apply to a township
- 8 board in a county containing a consolidated city.
- 9 (b) During the year preceding a general election for the members of
- 10 the township board conducted under section 2 of this chapter, a
- 11 township board may adopt a resolution under this section to provide for
- 12 the staggering of the terms of its members.
- 13 (c) The resolution described in subsection (b) must provide all the
- 14 following:
- 15 (1) That, notwithstanding section 2 of this chapter, the terms of
- 16 the board members elected at the next general election must be as
- 17 follows:
- 18 (A) The candidate who receives the greatest number of votes
- 19 among all the candidates at the election shall serve a four (4)
- 20 year term, beginning on January 1 after the next general
- 21 election.
- 22 (B) The candidate who receives the second greatest number of
- 23 votes among all the candidates at the election shall serve a two
- 24 (2) year term, beginning on January 1 after the next general
- 25 election.
- 26 (C) The candidate who receives the third greatest number of
- 27 votes among all the candidates at the election shall serve a two
- 28 (2) year term, beginning on January 1 after the next general
- 29 election.
- 30 (2) That the term of office of each board member elected after the
- 31 first election after adoption of the resolution is four (4) years,
- 32 beginning January 1 after each board member's general election.
- 33 (d) If a township board adopts a resolution under this section,
- 34 election of the board members must occur at the elections as provided
- 35 in the resolution.
- 36 (e) If a vacancy occurs in one (1) or more of the offices elected
- 37 under subsection (c); because there are fewer candidates are elected
- 38 than the number of board members to be elected, the vacancy is filled:
- 39 (1) by a caucus as provided under IC 3-13-10-1, if the office was
- 40 last held by a person elected or selected as a candidate of a major
- 41 political party; or
- 42 (2) by the board of commissioners of the county under



1 ~~IC 3-13-10-4~~; if the office was last held by a person elected or
 2 selected as a candidate of other than a major political party.
 3 If there is more than one (1) vacancy to be filled, the authority filling
 4 the vacancy determines the length of the term in accordance with
 5 subsection (c) for a person selected to fill a vacancy under this
 6 ~~subsection: incumbent board member or members that hold office~~
 7 **under Article 15, Section 3 of the Constitution of the State of**
 8 **Indiana shall be determined under IC 3-13-10-6.5 by the county**
 9 **executive. The county executive shall determine the length of the**
 10 **term of each incumbent board member if more than one (1)**
 11 **incumbent board member continues to hold office under Article 15,**
 12 **Section 3 of the Constitution of the State of Indiana. The county**
 13 **executive shall consider any applicable language in the resolution**
 14 **adopted by the township in making this determination.**

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

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

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

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

26 (3) The resolution must provide for the election of all members of
 27 the township board at the next general election. Notwithstanding
 28 subsection (c)(2) and section 2 of this chapter, the term of all the
 29 members of the township board ends January 1 after the next
 30 general election.

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

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

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

39 (2) takes effect when the ordinance is filed with the circuit court
 40 clerk.

41 SECTION 194. IC 36-9-13-2, AS AMENDED BY P.L.233-2015,
 42 SECTION 340, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: Sec. 2. For purposes of this chapter, the
 2 following are considered the governing bodies of their respective
 3 eligible entities:

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

6 ~~(2) County council; for a county subject to IC 36-2-2.5 or~~
 7 ~~IC 36-2-3.5.~~

8 ~~(3) (2) City-county council, for a consolidated city or county~~
 9 ~~having a consolidated city.~~

10 ~~(4) (3) Common council, for a city other than a consolidated city.~~

11 ~~(5) (4) Town council, for a town.~~

12 ~~(6) (5) Trustee and township board, for a civil township.~~

13 ~~(7) (6) Board of school trustees, board of school commissioners,~~
 14 ~~or school board, for a school corporation.~~

15 ~~(8) (7) Board of trustees, for a health and hospital corporation.~~

16 SECTION 195. IC 36-9-27-5, AS AMENDED BY P.L.77-2014,
 17 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2019]: Sec. 5. (a) Except in a county having a consolidated
 19 city or as provided in subsection (d), the drainage board consists of
 20 either:

21 (1) the county executive; or

22 (2) three (3) or five (5) persons, at least one (1) of whom must be
 23 a member of the executive, appointed by the executive;

24 at the option of the executive. Appointees under subdivision (2) must
 25 be resident freeholders of the county who are knowledgeable in
 26 drainage matters. Freeholders appointed to the board serve for terms of
 27 three (3) years, with their initial appointments made so as to provide for
 28 staggering of terms on an annual basis. In addition, the county surveyor
 29 serves on the board as an ex officio, nonvoting member.

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

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

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

38 ~~(1) The drainage board consists of:~~

39 ~~(A) the single county executive; and~~

40 ~~(B) two (2) or four (4) persons (as determined by the single~~
 41 ~~county executive) who are appointed by the single county~~
 42 ~~executive.~~



- 1 (2) Appointees under subdivision (1)(B) must be resident
- 2 freeholders of the county who are knowledgeable in drainage
- 3 matters.
- 4 (3) The freeholders appointed to the drainage board serve for
- 5 terms of three (3) years; with the freeholders' initial appointments
- 6 made so as to provide for staggering of terms on an annual basis.
- 7 (4) The county surveyor serves on the drainage board as an ex
- 8 officio, nonvoting member.
- 9 (5) The terms of members serving on the drainage board at the
- 10 time the first single county executive is elected under IC 36-2-2.5
- 11 expire on January 1, 2019; and the single county executive shall
- 12 make the appointments to the board as provided in this
- 13 subsection.
- 14 **SECTION 196. 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.

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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:

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(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.

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- (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 + 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.



SENATE MOTION

Madam President: I move that Senate Bill 560 be amended to read as follows:

Page 12, delete lines 3 through 42.

Page 13, delete lines 1 through 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 560 as printed February 6, 2019.)

FORD J.D.

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 560, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 5. IC 3-6-2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 10. A political party covered by this chapter must provide in its state party rules that a precinct committeeman of the party is not eligible to vote on any matter that requires the vote of precinct committeemen:**

- (1) under any rule or proceeding of the political party; and
- (2) relating to the endorsement of a candidate in a primary election;

unless the precinct committeeman is eligible to vote for the candidate's office at an election."

Page 4, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 8. IC 3-6-4.2-14, AS AMENDED BY P.L.120-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to **regarding all of the following:**

- (1) Their duties under this title and federal law (including HAVA and NVRA).
- (2) **Requirements and best practices concerning cybersecurity for the computerized list, voting systems, and electronic poll**

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books.

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

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

(b) The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

~~(b)~~ **(c)** Each circuit court clerk **and each member of a board of registration established under IC 3-7-12** shall attend a meeting called by the election division under this section. **A circuit court clerk or member of a board of registration may require the attendance of the following:**

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

(2) If the number of deputies or assistants:

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

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

~~(c)~~ **(d)** The ~~co-directors of the~~ election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

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

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

The instructional meeting may not last for more than two (2) days.

~~(d)~~ **(e)** Each ~~member of a county election board or board of registration~~ **individual required to attend the meeting under subsection (c)** and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following from the county general fund without appropriation:

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

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



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

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

Page 5, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 12. IC 3-7-12-28.1 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 28.1. (a) In addition to the reports required for the statewide voter file, the county voter registration office shall file a report with the election division not later than noon January 31 of each year:

(b) The report must include the following:

(1) Any revisions to the county NVRA implementation plan adopted during the preceding year:

(2) Other data prescribed by the division."

Page 5, delete lines 17 through 19, begin a new paragraph and insert:

"(b) The computerized list:

(1) must require that a report containing information concerning absentee applications and voting by specified individuals be generated in CSV format with dashes; and

(2) may provide for reports described in subdivision (1) to be generated in other formats."

Page 7, between lines 32 and 33, begin a new paragraph and insert:

"(i) If the county voter registration office cancels a voter's registration record at an address that the applicant has stated is no longer the legal residence of the applicant under subsection (h), the county voter registration office shall send the voter a notice prescribed by the election division and generated from the computerized list maintained under IC 3-7-26.3 by forwardable mail to the voter's residence address that was canceled. The notice must state the following:

(1) That the voter's registration application was denied under subsection (f).

(2) That the voter's registration record at the address that the applicant has stated is no longer the legal residence of the applicant has been canceled under subsection (h).

(3) That if the voter wants to register to vote at the voter's current residence address, the voter must complete and submit a new application before the end of the next registration period described in IC 3-7-13-10.

A voter registration application must be sent with the notice



required under this subsection."

Page 7, line 33, delete "(i)" and insert "(j)".

Page 8, line 3, delete "(j)" and insert "(k)".

Page 11, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 21. IC 3-8-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 32. **(a) Subject to subsections (b) through (d)**, a candidate for:

- (1) precinct committeeman; or
- (2) delegate to a state convention;

of a political party in the state whose nominee received at least ten percent (10%) of the total vote cast for secretary of state at the last election must comply with any candidate requirement set by state party rules.

(b) Subject to subsection (c), if a voter who is a resident of a precinct does not file to be a candidate for precinct committeeman of the precinct, the rules of a political party must permit an individual who satisfies all of the following to be a candidate for precinct committeeman for that precinct:

- (1) The individual is a voter who is a resident of the township in which the precinct is located.**
- (2) The precinct in which the individual resides is adjacent to the precinct the individual seeks to represent. For purposes of this subdivision, a precinct is not adjacent to another precinct if the precincts do not touch or touch only at one (1) or more single points.**
- (3) The individual otherwise satisfies the political party's rules about the qualifications for a precinct committeeman.**

(c) An individual may not be the precinct committeeman of more than one (1) precinct at a time.

(d) If a voter who is a resident of the precinct and is otherwise eligible to be a precinct committeeman under the political party's rules subsequently files to be a candidate for precinct committeeman for the precinct, all of the following apply:

- (1) The individual who is not a resident of the precinct:**
 - (A) becomes ineligible to be elected as precinct committeeman of that precinct; and**
 - (B) is considered to have withdrawn the individual's candidacy for precinct committeeman.**
- (2) The county election board shall remove the name of the candidate who is not a resident of the precinct from the ballot not later than the deadline to challenge the eligibility of an individual to be a candidate for office."**



Page 13, line 13, delete "sixty" and insert "**on the first date following the adoption of the ordinance that a declaration of candidacy may be filed under IC 3-8-2-4.**".

Page 13, delete line 14.

Page 27, line 24, strike "2019" and insert "**2023**".

Page 27, line 32, delete "2022" and insert "**2020**".

Page 27, line 33, strike "2020" and insert "**2022**".

Page 28, line 35, after "(a)" insert "**This section does not apply in a county having a consolidated city.**

(b)".

Page 28, line 39, delete "(b)" and insert "**(c)**".

Page 30, between lines 26 and 27, begin a new paragraph and insert:
 "SECTION 52. IC 3-10-9-3, AS AMENDED BY P.L.225-2011, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. **(a) Except as otherwise specifically provided by a statute, a local public question may be placed on the ballot only at the following elections:**

(1) A primary election in a year a general election is held.

(2) A general election.

(3) A primary election in a year a municipal election is held, but only if the election district for the public question is contained entirely within a municipality.

(4) A municipal general election, but only if the election district for the public question is contained entirely within a municipality.

(5) A special election if specifically permitted by law.

(b) If a local public question must be certified to an election board by law, that certification must occur ~~no~~ **not** later than noon:

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

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

Page 32, delete lines 21 through 28.

Page 34, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 60. IC 3-11-2-12, AS AMENDED BY HEA 1005-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

(1) Federal and state offices:



- (A) President and Vice President of the United States.
- (B) United States Senator.
- (C) Governor and lieutenant governor.
- (D) Secretary of state.
- (E) Auditor of state.
- (F) Treasurer of state.
- (G) Attorney general.
- (H) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Prosecuting attorney.
 - (E) Clerk of the circuit court.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner. **This clause applies only to a county that is not subject to IC 36-2-2.5.**
 - (I) Single county executive. **This clause applies only to a county that is subject to IC 36-2-2.5.**
 - (J) County council member, except as provided in section 12.4 of this chapter.
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.
 - (C) Township board member, except as provided in section 12.4 of this chapter.
 - (D) Judge of the small claims court.



- (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member, except as provided in section 12.4 of this chapter.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member, except as provided in section 12.4 of this chapter."

Delete page 35.

Page 36, delete lines 1 through 7.

Page 39, delete lines 4 through 42.

Page 40, delete lines 1 through 36, begin a new paragraph and insert:

"SECTION 65. IC 3-11-4-2, AS AMENDED BY P.L.169-2015, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual eligible to assist the voter under IC 3-11-9-2(a) to sign the application on behalf of the voter and add the individual's name to the application. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:



(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

(4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person



received the application, and file the application with the appropriate county election board **or election division** not later than:

- (1) noon ten (10) days after the person receives the application;
- or
- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must ~~sign~~ **include** an affidavit ~~at the time of filing the application.~~ **with the application. The affidavit must be signed by the individual who received the completed application from the applicant.** The affidavit must be in a form prescribed by the election division. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
- (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
- (3) The date (or dates) that the absentee ballot applications attached to the affidavit were received.
- (4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
- (5) A statement that the person is executing the affidavit under the penalties of perjury.
- (6) A statement setting forth the penalties for perjury.
- (i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 66. IC 3-11-4-17.7, AS AMENDED BY SEA 558-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17.7. (a) This section applies when a voter:

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

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(2) notifies the county election board that:

(A) the ballot has been destroyed, spoiled, lost, or not received by the voter after a reasonable time has elapsed for delivery of the ballot by mail;

(B) the absentee ballot does not bear the bipartisan initials required under section 19 of this chapter; or

(C) the absentee ballot envelope was not signed by the voter.

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

(c) After a voter files the statement required under subsection (b), the circuit court clerk shall do the following:

(1) Place the written request with the absentee voter's original ballot.

(2) Mark "canceled" on the envelope containing the original ballot.

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

(4) Deliver a new ballot to the absentee voter.

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

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

Page 42, delete lines 29 through 41.

Page 43, delete lines 36 through 39.

Page 44, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 73. IC 3-11-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The polls in each precinct open at 6 a.m. and close at 6 p.m. on election day.

(b) A county election board or a board of elections and registration does not have the power to extend the hours that the polls are to be open in any precinct or vote center of the county.

SECTION 74. IC 3-11-8-25.2, AS AMENDED BY SEA 558-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2019]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 52 U.S.C. 21083 and IC 3-7-33-4.5 before voting in person. If the list ~~(or a certification concerning absentee voters under IC 3-11-10-12)~~ indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

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

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

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

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

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

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

Page 45, delete lines 1 through 8.

Page 54, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 98. IC 3-11-10-26, AS AMENDED BY SEA 558-2019, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 26. (a) This subsection applies to all counties,



except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

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

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

- (1) The office of the board of elections and registration.
- (2) A satellite office established under section 26.3 of this chapter.

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

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

- (1) This subdivision does not apply to a county that uses electronic poll books for voting under this section. Sign an application on the form prescribed by the election division under IC 3-11-4-5.1. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.
- (2) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an electronic voting system. The voter must do the following:

- (A) If the county election board has prescribed an affidavit under subsection (e) that includes a unique identifier to comply with section 26.2(c)(3) of this chapter, make and subscribe to the affidavit.
- (B) Sign the electronic poll book.
- (C) Provide proof of identification.

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

- (A) Sign the electronic poll book.
- (B) Provide proof of identification.
- (C) Sign the affidavit prescribed by section 29 of this chapter.

(e) The county election board may:



- (1) prescribe an affidavit that includes a unique identifier; or
- (2) establish a procedure to produce a document, label, or electronic record that is associated with each voter and includes a unique identifier;

to comply with section 26.2(c)(3) of this chapter. After the county election board approves an affidavit or procedure described in this subsection and before the affidavit or procedure is used in an election, the county election board shall file a copy of the affidavit or a brief description of the procedure with the election division to assist the state recount commission in conducting proceedings under IC 3-12-11.

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

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

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

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

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

- (1) permitted to verify in a private and independent manner the



votes selected by the voter before the ballot is cast and counted;
 (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

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

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

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

(l) If:

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

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

the voter shall be permitted to cast a provisional ballot.

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

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

Delete pages 55 through 56.

Page 57, delete lines 1 through 25, begin a new paragraph and insert:

"SECTION 99. IC 3-11-10-26.5, AS AMENDED BY P.L.219-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 26.5. (a) This section applies to:

(1) a municipal election;

(2) a primary conducted in a municipal election year; and

(3) a special election conducted under IC 3-10-8.

(b) Notwithstanding section 26 of this chapter, a county election board (or a town election board acting under IC 3-10-7) may adopt a resolution by the unanimous vote of the board's entire membership stating that voters are entitled to vote by absentee ballot before an



absentee voter board in the office of the circuit court clerk or town election board during specific days and hours identified in the resolution.

(c) If the election board adopts a resolution under subsection (b), the board must include written findings of fact in the resolution stating:

- (1) the number of absentee ballot applications anticipated or previously received for the election;
- (2) the expense to be incurred by providing absentee ballot voting in the office during the entire period required under section 26 of this chapter; and
- (3) that voters would experience little or no inconvenience by restricting absentee ballot voting in the office to the days and hours specified in the resolution.

~~(d) This subsection does not apply to an absentee ballot challenged under IC 3-11-4-18.5 until the challenge has been decided by the election board. If the election board adopts a resolution under subsection (b), an absentee ballot requested to be mailed to a voter shall be mailed:~~

- ~~(1) on the first business day that a voter is entitled to vote by absentee ballot before an absentee voter board in the office of the election board following receipt of the voter's application;~~
- ~~(2) not more than five (5) days after the date of delivery of the ballots under IC 3-11-4-15; or~~
- ~~(3) on the day of the receipt of the voter's application;~~

~~whichever is the latest.~~

~~(e) This subsection does not apply to an absentee ballot application challenged under IC 3-11-4-18.5 until the challenge has been decided by the election board. If the absentee ballot is requested by an absent uniformed services voter or an overseas voter, the absentee ballot shall be transmitted:~~

- ~~(1) not more than five (5) days after the date of delivery of the ballots under IC 3-11-4-15; or~~
- ~~(2) on the day of the receipt of the voter's application;~~

~~whichever is later."~~

Page 58, line 13, strike "set by the county executive".

Page 58, line 19, delete "IC 3-11-10-26.3." and insert "**IC 3-11-10-26.3 are entitled to a per diem at a rate set by the county fiscal body.**".

Page 58, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 104. IC 3-11-11-1.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.9. (a) Before the opening of the polls, the precinct election board shall compare the



ballots with the sample ballots and determine whether the names, numbers, and letters are in agreement. The board then shall certify that the ballots and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

(b) The inspector of each precinct, or a person under the direction of the inspector, shall post sample ballots near the entrance of the chute for the precinct. The ballots must be available for public inspection throughout election day.

(c) This subsection applies to a county using vote centers. Not later than the first date that a voter may cast a ballot at a vote center, the county election board shall do both of the following:

(1) Make the comparison between the sample ballots, regular official ballots, and provisional ballots described in subsection

(a).

(2) Certify that the ballots are in agreement.

A copy of the certification shall be entered into the minutes of the county election board.

(d) This subsection applies to a county using vote centers. The county election board shall do both of the following:

(1) Have copies of each sample ballot for each precinct available for inspection by a voter at each vote center.

(2) Post a notice in the vote center stating that sample ballots are available for inspection upon request by the voter."

Page 58, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 106. IC 3-11-11-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. **(a)** After voting, a voter shall leave the polls. ~~However, a voter to whom ballots and a pencil have been delivered may not leave the polls without:~~

~~(1) voting the ballots or returning them to the poll clerk; and~~

~~(2) returning the pencil to the poll clerk from whom the voter received it.~~

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

(1) attempt to advise the voter not to leave the polls because the voter's ballot has not been cast; and

(2) permit the voter to return to the booth to complete the process of casting the voter's ballot.

(c) If the voter has left the polls, or declines to return to the booth, the inspector shall direct both judges to enter into the booth and return the voter's ballot to the inspector. Upon receiving the voter's ballot the inspector shall deposit the voter's ballot in the



ballot box.

(d) After the voter's ballot has been deposited in the ballot box, the judges and the inspector shall promptly complete a form prescribed under IC 3-5-4-8 containing the following information:

- (1) The name of the voter who left the polls without completing the process of casting a ballot.**
- (2) The approximate time that the voter left the polls.**
- (3) Whether the voter was advised that the voter could return to the booth to complete the casting of the ballot.**
- (4) A statement made under the penalties for perjury indicating that:**
 - (A) the judges gave the voter's ballot to the inspector;**
 - (B) the inspector deposited the voter's ballot in the ballot box; and**
 - (C) the judges and the inspector did not make any alteration to the choices made by the voter.**

The form must be signed by the inspector and both judges."

Page 62, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 109. IC 3-11-13-22, AS AMENDED BY SEA 570-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. (a) This section applies to:

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

(b) Not later than seventy-four (74) days before election day, for each county planning to use automatic tabulating machines at the next election, VSTOP shall provide each county election board with two (2) lists of unique identification numbers for the machines to be tested by the county. The number of machines selected in each list must be:

- (1) approved by the division; and
- (2) not less than five percent (5%) of the machines in the county.

(c) The county election board shall test the machines in the first list described in subsection (b) to ascertain that the machines will correctly count the votes cast for straight party tickets, for all candidates (including write-in candidates), and on all public questions. If an individual attending the public test requests that additional automatic tabulating machines be tested, then the county election board shall test machines from the second list described in subsection (b).

(d) If VSTOP does not provide the lists under subsection (b) not later than sixty (60) days before the election, the county election board shall establish and implement a procedure for random selection of not



less than five percent (5%) of the machines in the county. The county election board shall then test the machines selected as described in subsection (c).

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

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

(g) If a county election board determines that:

(1) a ballot:

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

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

(i) ceased to be a candidate; and

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

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

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

SECTION 110. IC 3-11-13-27, AS AMENDED BY P.L.221-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) After the delivery of a ballot card voting system to a precinct, the precinct election board may meet at the polls on the same day and open the package containing the sample ballot cards, to determine whether the system is ready for use in accordance with section 16 of this chapter. If a ballot card voting system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done.

(b) While acting under subsection (a), the precinct election board



may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the boundaries of the chute designated;
- (2) the sample ballots and instruction cards posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

(d) Before the opening of the polls, the precinct election officers shall do the following:

- (1) Compare the ballot cards used in the marking device with the sample ballots furnished and determine whether the names, numbers, and letters are in agreement.
- (2) Determine that the system records that zero (0) votes have been cast for each candidate and on each public question.
- (3) Assure that the system is otherwise in perfect order.

(e) The officers then shall certify that:

- (1) the marking device and the sample ballots are in agreement;
- (2) the system records zero (0) votes cast; and
- (3) the system appears to be in perfect order.

Forms shall be provided for certification, and the certification shall be filed with the election returns.

(f) This subsection applies to a county using vote centers. Not later than the first date that a voter may cast a ballot at a vote center, the county election board shall do both of the following:

- (1) Make the comparison between the sample ballots, regular official ballots, and provisional ballots as provided in subsection (d).**
- (2) Certify that the ballots are in agreement.**

A copy of the certification shall be entered into the minutes of the county election board.

(g) This subsection applies to a county using vote centers. The county election board shall do both of the following:

- (1) Have copies of each sample ballot for each precinct available for inspection by a voter at each vote center.**
- (2) Post a notice in the vote center stating that sample ballots are available for inspection upon request by the voter."**

Page 63, delete lines 1 through 31.

Page 64, line 5, strike "vote center".

Page 64, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 112. IC 3-11-13-33, AS AMENDED BY P.L.221-2005,



SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) After a voter has marked a ballot card, the voter shall place it inside the envelope provided for this purpose or fold the **envelope ballot** described in section 18(b)(1) of this chapter and return the ballot card to the judge.

(b) The judge shall offer to return the envelope with the ballot card inside to the voter. The voter shall:

- (1) accept the envelope and deposit it in the ballot box; or
- (2) decline the envelope and require the judge to deposit it in the ballot box.

(c) If a voter offers to vote a ballot card that is not inside the envelope provided for this purpose or with the **envelope ballot** not folded if the ballot is as described in section 18(b)(1) of this chapter, the precinct election board shall direct the voter to return to the booth and place the ballot card in the envelope provided for this purpose or fold the envelope. **After voting, a voter shall leave the polls.**

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

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

(e) If the voter has left the polls, or declines to return to the booth, the inspector shall direct both judges to do the following:

- (1) Enter into the booth and place the voter's ballot inside the envelope provided or fold the ballot as described in section 18(b)(1) of this chapter.
- (2) Give the envelope or folded ballot to the inspector.

The inspector shall then deposit the voter's ballot in the ballot box.

(f) After the voter's ballot has been deposited in the ballot box, the judges and the inspector shall promptly complete a form prescribed under IC 3-5-4-8 containing the following information:

- (1) The name of the voter who left the polls without completing the process of casting a ballot.
- (2) The approximate time that the voter left the polls.
- (3) Whether the voter was advised that the voter could return to the booth to complete the casting of the ballot.
- (4) A statement made under the penalties for perjury indicating that:
 - (A) the judges gave the voter's ballot to the inspector;
 - (B) the inspector deposited the voter's ballot in the ballot box; and



(C) the judges and the inspector did not make any alteration to the choices made by the voter.

The form must be signed by both judges and the inspector.

(d) (g) After a voter's ballot cards have been deposited in the ballot box, the poll clerks shall make a voting mark after the voter's name on the poll list.

(e) After voting, a voter shall leave the polls. However, a voter to whom ballot cards and a marking device have been delivered may not leave the polls without voting the ballot cards or returning them to the poll clerk from whom the voter received them.

SECTION 113. IC 3-11-14-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Before the opening of the polls, each precinct election board shall:

- (1) compare the ballot label on each electronic voting system with the sample ballot to see that it is correct;
- (2) see that the system records zero (0) votes for each candidate and on each public question; and
- (3) see that the system is otherwise in perfect order.

(b) After the system is in perfect order for voting, the precinct election board may not permit the counters to be operated except by voters in voting. The board then shall certify that the ballot labels and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

(c) This subsection applies to a county using vote centers. Not later than the first date that a voter may cast a ballot at a vote center, the county election board shall do both of the following:

- (1) Make the comparison between the sample ballots, regular official ballots, and provisional ballots described in subsection (a).**
- (2) Certify that the ballots are in agreement.**

A copy of the certification shall be entered into the minutes of the county election board.

(d) This subsection applies to a county using vote centers. The county election board shall do both of the following:

- (1) Have copies of each sample ballot for each precinct available for inspection by a voter at each vote center.**
- (2) Post a notice in the vote center stating that sample ballots are available for inspection upon request by the voter."**

Page 65, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 116. IC 3-11-14.5-1, AS AMENDED BY SEA



570-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Not later than seventy-four (74) days before election day, for each county planning to use an electronic voting system at the next election, VSTOP shall provide each county election board with two (2) lists of unique identification numbers for the machines to be tested by the county. The number of machines selected in each list must be:

- (1) approved by the division; and
- (2) not less than five percent (5%) of the machines in the county.

(b) The county election board shall test the machines in the first list described in subsection (a) to ascertain that the machines will correctly count the votes cast for straight party tickets, for all candidates (including write-in candidates), and on all public questions. If an individual attending the public test requests that additional electronic voting systems be tested, then the county election board shall test machines from the second list described in subsection (a).

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

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

(e) If a county election board determines that:

- (1) a ballot provided by an electronic voting system:
 - (A) must be corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political party, or public question from the ballot; or
 - (B) is an absentee ballot that a voter is entitled to recast under ~~IC 3-11-10-1.5~~ **IC 3-11.5-4-2** because the absentee ballot includes a candidate for election to office who:
 - (i) ceased to be a candidate; and
 - (ii) has been succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2; and

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

the county election board shall conduct an additional public test described in subsection (b) using the machines previously tested and containing the reprinted or corrected ballots."



Delete page 66.

Page 67, delete lines 1 through 21, begin a new paragraph and insert:

"SECTION 117. IC 3-11-16-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The inventory of voting systems and electronic poll books maintained by VSTOP under section 4 of this chapter is confidential.**"

Page 70, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 121. IC 3-11-18.1-12, AS AMENDED BY SEA 570-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding section 1 of this chapter, this section applies to an electronic poll book to be used in:

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

(b) Notwithstanding any other law, the electronic poll ~~list~~ **book** used must **satisfy all of the following:**

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

(c) A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state. Except as provided in subsection (i), a person may not market, sell, lease, or provide an electronic poll book for use in an election in Indiana until the secretary of state has approved the application for certification under this section. The application must state that the vendor has complied, and will continue to comply, with subsection (d) following certification of the electronic poll book. Each application for certification of an electronic poll book must be accompanied by a fee of one thousand five hundred dollars (\$1,500). All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.

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

(e) The secretary of state shall refer the application to the person or entity conducting the VSTOP.

(f) The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating all of the following:

- (1) Whether the electronic poll book would operate in compliance with this title.
- (2) Whether VSTOP has reviewed tests conducted by an approved voting system testing laboratory.
- (3) Whether VSTOP has conducted a field test.
- (4) Whether the electronic poll book complies with additional requirements for the electronic poll book application for certification and acceptance testing, as described in the Indiana Electronic Poll Book Certification Test Protocol approved by the secretary of state (as in effect January 1, 2019).
- (5) Any recommendations regarding the acquisition or use of the electronic poll book.
- (6) Whether documentation of the escrow of the electronic poll book's software, firmware, source codes, and executable images with an escrow agent approved by the election division has been received by VSTOP.
- (7) Whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including any recommended restrictions that should be placed on the secretary of state's approval.

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

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

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



- (1) The display or demonstration occurs at a conference of election officials sponsored by:
 - (A) a state agency; or
 - (B) an association of circuit court clerks or voter registration officers.
- (2) The person files a notice with the election division at least seven (7) days before the scheduled starting date of a conference referred to in subdivision (1) setting forth the following:
 - (A) The name of the person and each representative scheduled to display or demonstrate the electronic poll book.
 - (B) The address and telephone number of the person.
 - (C) The model name of the electronic poll book.
 - (D) The name and manufacturer of the electronic poll book.
 - (E) The date and location of the display or demonstration of the electronic poll book.
- (3) The person displays the electronic poll book with a notice that:
 - (A) is at least 16 point type size;
 - (B) is posted on the surface of the electronic poll book; and
 - (C) states that the electronic poll book is "Not Approved for Use in Indiana".
- (4) The person ensures that each communication concerning the electronic poll book that is available or made at a conference referred to in subdivision (1) includes a statement that the electronic poll book is "Not Approved for Use in Indiana". A printed communication must include the statement in a type size that is at least as large as the largest type size used in the communication."

Delete page 71.

Page 72, delete lines 1 through 24, begin a new paragraph and insert:

"SECTION 122. IC 3-11-18.1-14, AS AMENDED BY SEA 570-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct separate from the ballots cast in any other precinct whose election is administered at the vote center, 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 and included on the statement required by IC 3-12-4-9.

(b) This subsection applies to a county having a consolidated city, if either of the following applies to the county:

- (1) The county has adopted an order under IC 3-7-29-6(a)(1)**

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to use an electronic poll book.

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

The precinct election board administering an election at a vote center shall keep the ballots secure 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 and included on the statement required by IC 3-12-4-9. The county election board shall separate the ballots by precinct if a recount is requested.

~~(b)~~ **(c)** This subsection applies:

- (1) to a county described under section 12 of this chapter on and after the date absentee ballots are first transmitted to voters; and
- (2) to any anomaly or problem, whether due to a technical reason or due to human error with electronic poll book use.

A person that receives a certification for an electronic poll book shall file not later than forty-eight (48) hours after the discovery of an anomaly or problem with the poll book a written report in accordance with IC 3-11-17-7.

SECTION 123. IC 3-11.5-1-1.1, AS AMENDED BY HEA 1217-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.1. This article applies to ~~the~~ following **all** counties.

~~(1) A county subject to IC 3-11.5-4-0.5:~~

~~(2) A county that has a board of elections and registration established under IC 3-6-5-6:~~

~~(3) A county whose county election board, by unanimous vote of the board's entire membership, has adopted a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1."~~

Page 73, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 126. IC 3-11.5-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** Each circuit court clerk shall keep all accepted ballot envelopes securely **sealed** in the clerk's office until the ballot envelopes are opened by absentee ballot counters in accordance with this chapter.

(b) A county election board may not scan a voted absentee ballot card using an optical scan ballot scanner before election day.

SECTION 127. IC 3-11.5-4-11, AS AMENDED BY SEA 558-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) Except as provided in subsection (b), (c), or (d), at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:



- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the application or electronic poll book with the signature upon the affidavit on the ballot envelope, transmitted affidavit under IC 3-11-4-6(h), or voter registration record.

(b) This subsection applies to a county (other than a county described in subsection (c) or (d)) that:

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

(c) This subsection applies to a county having a consolidated city, if the county:

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

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

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

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

After the receipt and processing required under section 12 of this chapter to process an absentee ballot from a voter and after ensuring



that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day, the absentee ballot counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

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

SECTION 128. IC 3-11.5-4-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2019 (RETROACTIVE)]: Sec. 12.5. (a) This section applies only in a county containing a consolidated city.**

(b) Notwithstanding section 12(b) of this chapter and subject to subsection (c), absentee ballot envelopes may be opened by machine instead of by the absentee ballot counters. For purposes of certification of voting systems under this article, a machine, the only function of which is the opening of envelopes, is not considered to be a voting system or part of a voting system.

(c) After making the applicable findings under section 12(b) of this chapter, the absentee ballot counters shall take out each ballot enclosed in an envelope opened under subsection (b) without unfolding or permitting a ballot to be unfolded or examined. The absentee ballots shall then continue to be processed as provided under section 12 and other applicable provisions of this chapter.

SECTION 129. IC 3-11.5-4-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2019 (RETROACTIVE)]: Sec. 23.5. (a) This section applies to a county having a consolidated city only if the county election board, by unanimous vote of its entire membership, adopts a resolution making this section applicable in the county.**

(b) Notwithstanding section 23 of this chapter, an individual who satisfies all of the following may be appointed to serve as an absentee ballot counter or a courier:

- (1) The individual is a citizen of the United States.**
- (2) The individual is registered to vote in Indiana.**
- (3) The individual is at least eighteen (18) years of age.**
- (4) The individual is appointed under the procedures described in section 23 of this chapter.**

(c) An individual appointed under this section who serves as an absentee ballot counter is observed by registered voters of the



county serving in bipartisan absentee ballot counter teams."

Page 74, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 133. IC 3-11.7-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. An individual serving as an absentee ballot counter under ~~IC 3-11.5-4-12~~ **IC 3-11.5-4-22** may also serve as a provisional ballot counter under this chapter.

SECTION 134. IC 3-11.7-3-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. A provisional ballot counter is entitled to a per diem at a rate set by the county fiscal body.**

SECTION 135. IC 3-11.7-5-1.5, AS AMENDED BY P.L.164-2006, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) Subsection (c) applies to a provisional ballot that the county election board determines, by a majority vote of its members and in accordance with this title:

(1) has been marked and cast by a voter in compliance with this title; but

(2) may not otherwise be counted solely as the result of the act or failure to act of an election officer.

(b) Subsection (c) does not apply to either of the following:

(1) A provisional ballot cast by an individual who seeks to vote in an election as the result of a court or other order extending the time established for closing the polls under IC 3-11-8-8 if the county election board determines or is directed under a court or other order that all provisional ballots issued after regular poll closing hours are not to be counted.

(2) A provisional ballot that is required to be rejected by a county election board under section 2(b) of this chapter as the result of information or lack of information provided by a voter registration agency.

(c) The sealed envelope containing a provisional ballot described in subsection (a) shall nevertheless be opened under section 4 of this chapter and the provisional ballot counted unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is demonstrated. The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

(d) Notwithstanding subsection (c), if the county election board, by a majority vote of its members, determines that there is evidence presented to the board demonstrating that the individual who cast the



provisional ballot was ineligible to cast a regular ballot in that precinct, or evidence has been presented to the board demonstrating any other reason set forth in HAVA or this title not to count a provisional ballot, the provisional ballot may not be counted.

(e) This subsection applies to a provisional ballot cast by a voter after the voter was challenged solely because the voter was unable or declined to provide proof of identification and not for any other reason. If the voter later complies with the requirements of this title for proof of identification, the provisional ballot cast by the voter shall be counted in accordance with sections 2 and 2.5 of this chapter.

(f) ~~This subsection applies to a provisional ballot cast by a voter after the voter was challenged for any reason except the voter's inability or declination to provide proof of identification. If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:~~

- ~~(1) the affidavit of the voter who cast the provisional ballot; and~~
- ~~(2) the affidavit of a challenger challenging the voter who cast the provisional ballot;~~

~~the provisional ballot shall be counted.~~

SECTION 136. IC 3-11.7-5-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.7. (a) This section applies to a provisional ballot cast by a voter for any of the following reasons:**

- (1) The provisional ballot was cast by the voter under a court order extending the hours that the polls were open.**
- (2) The provisional ballot was cast by a voter who is not on the poll list who indicates that the voter applied to register at a voter registration agency.**
- (3) The provisional ballot was cast by the voter after the voter was challenged solely due to the voter being unable or declining to provide proof of identification.**
- (4) The provisional ballot was cast by the voter after the voter was challenged solely due to the voter's failure to provide additional documentation.**

(b) If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

- (1) the affidavit of the voter who cast the provisional ballot; and**
- (2) the affidavit of a challenger challenging the voter who cast the provisional ballot;**

the provisional ballot shall be counted."

Page 76, delete lines 7 through 18, begin a new paragraph and



insert:

"Sec. 3. (a) Before issuing an order under this chapter, the court or entity must take evidence and make the following findings:

(1) The polls were substantially delayed in opening at the time fixed by IC 3-11-8-8.

(2) The specific precincts or vote centers in which substantial delays occurred.

(3) If a poll closed at any time during the hours specified by IC 3-11-8-8, how long the polls were closed and in which precincts and vote centers the closing occurred.

(4) Substantial evidence exists that voters were prevented from casting a ballot due to a delay or closure of the polls during the hours specified by IC 3-11-8-8.

(5) The actual harm determined can only be ameliorated by the extension of polling hours.

(b) If the court is unable to make the applicable findings regarding a delay in opening or a subsequent closure of the polls described in subsection (a), the court shall not issue an order extending the polling hours specified under IC 3-11-8-8."

Page 76, line 22, after "extension" insert "only".

Page 76, line 26, delete "approximately equal to" and insert "**not more than**".

Page 76, line 30, delete "court of appeals" and insert "**Indiana supreme court**".

Page 76, line 31, delete "actions." and insert "**actions affecting substantial public questions.**".

Page 85, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 153. IC 3-13-1-6, AS AMENDED BY P.L.216-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) As used in this section, "county committee" refers to the precinct committeemen and vice committeemen of a major political party representing a precinct within the county.

(b) Except as provided in subsection (c), a candidate vacancy for a local office shall be filled by **either of the following:**

(1) A caucus comprised of the precinct committeemen who are eligible to participate under section 10 of this chapter. ~~or~~

(2) The county chairman of the political party or a ~~caucus committee~~ **committee** comprised of the chairman, vice chairman, secretary, and treasurer of the county committee of the party, if **all of the following apply:**

(A) **The county chairman or the committee is authorized to**



fill vacancies under this chapter by majority vote of the county committee.

(B) The election district for the local office is entirely within one (1) county. ~~and~~

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

(c) 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 caucus comprised of the precinct committeemen who constitute the county committees of the political party for all of the circuit.

SECTION 154. IC 3-13-1-9, AS AMENDED BY P.L.169-2015, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. **(a) This section applies only to a meeting of a caucus required under this chapter. This section does not apply to the filling of a vacancy under this chapter by the county chairman or a committee acting under section 6(b)(2) of this chapter.**

(b) The call for a meeting under section 3, 4, 5, or 6 of this chapter must:

- (1) be in writing on a form prescribed by the election division;
- (2) state the name of the chairman of the meeting;
- (3) state the purpose of the meeting;
- (4) state the date, time, and place of the meeting;
- (5) be sent by first class mail, at least ten (10) days before the meeting, to all persons eligible to participate in the meeting; and
- (6) be filed not later than noon ten (10) days before the meeting with the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter."

Delete pages 86 through 93.

Page 94, delete lines 1 through 5.

Page 95, line 20, strike "ballot".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 560 as reprinted February 15, 2019.)

WESCO

Committee Vote: yeas 9, nays 1.

ES 560—LS 7331/DI 75



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 560 be amended to read as follows:

Page 3, delete lines 38 through 42.

Page 4, delete lines 1 through 6.

Page 13, delete lines 24 through 42.

Page 14, delete lines 1 through 19.

Re-number all SECTIONS consecutively.

(Reference is to ESB 560 as printed April 8, 2019.)

BAIRD

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 560 be amended to read as follows:

Page 65, line 38, delete "." and insert "**if the voter's name is known.**".

Page 74, line 2, delete "." and insert "**if the voter's name is known.**".

Page 75, line 26, delete "." and insert "**if the voter's name is known.**".

Page 85, line 3, delete "JULY 1, 2019" and insert "MAY 1, 2019 (RETROACTIVE)".

(Reference is to ESB 560 as printed April 8, 2019.)

BOY

