

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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE ENROLLED ACT No. 560

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-22, AS AMENDED BY P.L.77-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. "Executive" means the **following**:

- (1) **The** board of county commissioners, for a county that
 - (A) does not have a consolidated city. ~~and~~
 - (B) is not subject to IC 36-2-2.5;
- (2) single county executive elected under IC 3-10-2-13; for a county that:
 - (A) does not have a consolidated city; and
 - (B) is subject to IC 36-2-2.5;
- (3) ~~(2)~~ **The** mayor of the consolidated city, for a county having a consolidated city.
- (4) ~~(3)~~ **The** mayor, for a city.
- (5) ~~(4)~~ **The** president of the town council, for a town. ~~or~~
- (6) ~~(5)~~ **The** trustee, for a township.

SECTION 2. IC 3-5-4-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.3. (a) **Not later than the close of one (1) business day after a person files a declaration of candidacy, a request for placement on the presidential primary ballot, a certificate of nomination by a convention, a certificate of nomination by petition, a certification of candidate selection to fill a ballot vacancy, or a**

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declaration of intent to be a write-in candidate in the office of the election division or circuit court clerk, the election division or circuit court clerk shall send a statement to the candidate by:

- (1) hand delivery;**
- (2) first class United States mail; or**
- (3) electronic mail, if an electronic mail address has been provided by the person;**

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

(b) The statement must set forth the following:

- (1) That the candidate has filed the document described in subsection (a).**
- (2) The name of the candidate.**
- (3) The office for which the individual is a candidate.**
- (4) The date on which the document was filed.**
- (5) That acceptance of the document for filing does not prevent the filing from being challenged in the manner set forth in this title.**

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

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

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

- (1) The first designation that a candidate uses on the ballot may be one (1) of the following:
 - (A) The candidate's legal given name.
 - (B) The initial of the candidate's legal given name.
 - (C) The candidate's legal middle name.
 - (D) The initial of the candidate's legal middle name.
 - (E) The candidate's nickname.
- (2) After the designation used under subdivision (1), a candidate may use any of the following designations if not used under subdivision (1):
 - (A) The candidate's legal middle name.
 - (B) The initial of the candidate's legal middle name.
 - (C) The candidate's nickname.
 - (D) The candidate's legal surname.
- (3) After a designation used under subdivision (2), a candidate may use the following if not used under subdivision (1) or (2):
 - (A) The candidate's nickname.



- (B) The candidate's legal surname.
- (4) After a designation used under subdivision (3), a candidate may use the candidate's legal surname on the ballot if not used under subdivision (2) or (3).
- (5) After a candidate's legal surname, a candidate may use any of the following designations:
- (A) Sr.
 - (B) Jr.
 - (C) A numerical designation such as "II" or "III".
- (d) A candidate may use a nickname on the ballot only if the nickname satisfies the following:
- (1) The nickname is a name by which the candidate is commonly known.
 - (2) The nickname does not exceed twenty (20) characters.
 - (3) The nickname complies with subsection (e).
 - (4) Unless the candidate uses the nickname as the first designation under subsection (c)(1), **notwithstanding any other method of designation used by a candidate or in a document declaring or consenting to the individual's candidacy, the any nickname permitted under this section must appear in be set forth on the ballot within parentheses.**
- (e) A candidate may not use a:
- (1) title or degree as a designation; or
 - (2) designation that implies a title or degree.

SECTION 4. IC 3-5-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. Not later than ~~thirty (30)~~ **twenty-nine (29)** days before a primary, general, or municipal election, the secretary of state shall request Indiana news media to include a copy of the voter's bill of rights as part of election coverage or in public service announcements.

SECTION 5. IC 3-6-2-10.5, AS ADDED BY P.L.205-2013, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10.5. ~~(a) This section applies to all counties after June 30, 2013.~~

~~(b)~~ The county chairman of a major political party shall, upon the request of a person who is serving in an elected office (as defined in IC 3-5-2-17), provide to that person the name and address of the precinct committeeman and vice committeeman of that party for each precinct in the county.

SECTION 6. IC 3-6-4.2-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.2. A co-director serves a term of four (4) years, beginning January 1, ~~1999~~, **2019**, and



continuing until the co-director's successor has been appointed and qualified.

SECTION 7. 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 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.

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

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

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

SECTION 9. 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.

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

SECTION 11. 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;~~

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

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

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

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

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

(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.**

SECTION 13. IC 3-7-26.3-34, AS ADDED BY P.L.216-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. ~~Beginning not later than January 7, 2016;~~



The secretary of state and the co-directors of the election division shall provide the information regarding:

- (1) the location of polling places and vote center locations; and
- (2) the:
 - (A) names of candidates who; and
 - (B) public questions that;

will appear on ballots in an election; necessary for Indiana to participate in the Voting Information Project sponsored by ~~The Pew Charitable Trusts~~. **Democracy Works, Inc.**

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

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

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

- (1) under IC 3-7-39-7 or on an absentee application submitted under IC 3-11-4 that the voter has changed the voter's residence to an address within the same precinct where the voter's former address was located; or
- (2) under IC 3-7-41 or an absentee application submitted under IC 3-11-4 that the voter has changed the voter's name.

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

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

- (1) A statement that the application has been received.
- (2) The disposition of the application by the county voter registration office.
- (3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the



following:

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

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

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

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

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

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

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

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

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

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

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

(h) If:

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



application is located; and

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

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

(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.

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

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

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

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

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

(~~i~~) (k) This subsection applies if the notice is mailed by the county



voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period has not expired before election day; and
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g);

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

SECTION 16. IC 3-7-38.2-16.1, AS ADDED BY P.L.201-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.1. ~~(a) This section applies only after December 31, 2018.~~

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

SECTION 17. 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.

SECTION 18. 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.

SECTION 19. IC 3-8-1-21, AS AMENDED BY P.L.77-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21. ~~(a)~~ A candidate for the office of county commissioner must:

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

~~(b) This subsection applies only to elections in a county in which a~~



single county executive under IC 36-2-2.5 is elected under IC 3-10-2-13. A candidate for the office of single county executive must have resided in the county for at least one (1) year before the election; as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

SECTION 20. IC 3-8-2-12 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 12: (a) Not later than the close of one (1) business day after a person files a declaration of candidacy in the office of the election division or circuit court clerk, the election division or circuit court clerk shall send a statement to the candidate by:

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

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

(c) The statement must show the following:

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

SECTION 21. IC 3-8-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section applies to candidates affiliated with a major political party of the state.

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

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

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

SECTION 22. IC 3-8-3-7.5 IS ADDED TO THE INDIANA CODE



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

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

SECTION 23. 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).

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

- (1) By convention conducted under this chapter.
- (2) By a primary election, if the town legislative body adopts an ordinance under subsection (d).
- (3) If a town convention or a primary election is not required under section 10 of this chapter for the political party of which the candidate is a member, by the candidate's declaration of candidacy.

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

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

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

(d) The town legislative body may adopt an ordinance not later than January 1 of the year in which a municipal election is held to establish a primary election for the nomination of major political party candidates. The town clerk-treasurer shall ~~send~~ **file** a copy of the ordinance ~~to~~ **with** the circuit court clerk of the county that contains the greatest percentage of the town's population **not later than noon on the first date following the adoption of the ordinance that a declaration of candidacy may be filed under IC 3-8-2-4.**

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

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

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).

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

~~(1) all certificates of nomination and declarations of candidacy filed with the town clerk-treasurer under this chapter; and~~

~~(2) all petitions of nomination filed under IC 3-8-6-10;~~

~~for the period required under IC 3-10-1-31 or IC 3-10-1-31.1 after the municipal election for which the nominations were made.~~

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.

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

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

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

(1) The name of each candidate nominated 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) Each candidate's residence address.

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

(4) The following statements:

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

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

(ii) A receipt, or photocopy of a receipt, or **electronic mail**



from the office of the inspector general or judicial qualifications commission, showing that a statement of economic interests has been filed.

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

(B) A statement 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. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement 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. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(D) A statement that the candidate:

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

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

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

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

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

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

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

(e) A certificate of nomination 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 certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination 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 certificate of nomination.

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

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.

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

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.

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

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

SECTION 36. IC 3-10-1-19, AS AMENDED BY P.L.21-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the form described in this section for all the offices for which candidates have qualified under IC 3-8.

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

"OFFICIAL PRIMARY BALLOT

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

(c) The following shall be printed immediately below the heading



required by subsection (b) or be posted in each voting booth as provided in IC 3-11-2-8(b):

- (1) For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column.
- (2) For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.
- (3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.
- (4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

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

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

- (1) In a separate column on the ballot if voting is by paper ballot.
- (2) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-13-11 if voting is by ballot card.
- (3) As provided by either of the following if voting is by an electronic voting system:
 - (A) On a separate screen for a public question.
 - (B) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-14-3.5.

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

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

- YES
- NO

(g) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

- (1) Federal and state offices:



- (A) President of the United States.
- (B) United States Senator.
- (C) Governor.
- (D) 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) Circuit court clerk.
- (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.**
 - (~~H~~) Single county executive. **This clause applies only to a county that is subject to IC 36-2-2.5.**
 - (~~H~~) **(I)** County council member.
- (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.
 - (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.



- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.

(h) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (g):

- (1) Precinct committeeman.
- (2) State convention delegate.

(i) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (h).

- (j) The offices described in subsection (i) shall be placed as follows:
 - (1) In a separate column on the ballot if voting is by paper ballot;
 - (2) After the offices described in subsection (h) in the form specified in IC 3-11-13-11 if voting is by ballot card.
 - (3) Either:
 - (A) on a separate screen for each office or public question; or
 - (B) after the offices described in subsection (h) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 37. IC 3-10-1-24, AS AMENDED BY P.L.76-2014, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. In a vote center county using an electronic poll book, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll book. The poll clerks shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll book:

- (1) The voter's name.
- (2) Except as provided in subsection (d), the voter's current residence address.
- (3) The name of the voter's party. **After:**
 - (A) the voter writes the voter's party on the poll list; or**
 - (B) the voter's party is entered into the electronic poll book;**

the voter may not change the choice of the voter's party.

- (b) The poll clerks shall:
 - (1) ask the voter to provide or update the voter's voter identification number;



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

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

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

(d) The poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll book is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll book and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll book.

(e) If the voter makes:

(1) a written affirmation on the poll list (or if an electronic poll book is used, a written affirmation in the manner described in IC 3-7-39-7) that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7; the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.

SECTION 38. IC 3-10-2-4, AS AMENDED BY P.L.74-2017, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. United States Senators shall be elected at a general election held in accordance with 2 U.S.C. 1 and as follows:

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

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

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

(1) Secretary of state.

(2) Auditor of state.

(3) Treasurer of state.

SECTION 40. IC 3-10-2-12, AS AMENDED BY P.L.216-2015,



SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. A prosecuting attorney shall be elected in each judicial circuit in ~~2018~~ **2022** and every four (4) years thereafter in accordance with Article 7, Section 16 of the Constitution of the State of Indiana.

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

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner. ~~This subdivision applies only to a county that is not subject to IC 36-2-2.5.~~
- ~~(10) Single county executive. This subdivision applies only to a county that is subject to IC 36-2-2.5.~~
- ~~(11)~~ **(10)** County council member.
- ~~(12)~~ **(11)** Township trustee.
- ~~(13)~~ **(12)** Township board member.
- ~~(14)~~ **(13)** Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- ~~(15)~~ **(14)** Judge of a small claims court.
- ~~(16)~~ **(15)** Constable of a small claims court.

SECTION 42. 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.

SECTION 43. IC 3-10-6-3, AS AMENDED BY P.L.74-2017, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter each political party shall, at the primary election in:

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

(2) May ~~2019~~ **2023** and every four (4) years thereafter;

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

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

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

(2) May ~~2020~~ **2022** and every four (4) years thereafter;

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

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



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

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

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

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

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

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

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

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

(b) A town located wholly or partially within a county designated as a vote center county under IC 3-11-18.1 may adopt a resolution to establish a town election board under this section.

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

SECTION 46. 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.

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

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

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

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

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

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

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

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



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

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

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

SECTION 49. 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.**

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

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

YES

NO

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

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



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

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

(A) county commissioner district;

(B) county council district;

(C) township;

(D) city;

(E) town;

(F) city common council district; or

(G) town council district.

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

SECTION 52. 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:

(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 53. 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 54. 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 55. 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.

SECTION 56. IC 3-11-2-10, AS AMENDED BY P.L.245-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, if instructions are printed on the ballot:

- (1) Ratification of a state constitutional amendment.
- (2) Local public questions.

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

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

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

- "(1) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, except for candidates described in (2) below, make a voting mark on or in this circle and do not make any other marks on this ballot.
- (2) To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot) **to which more than one person may be elected**, you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.
- (3) If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(d) Except as permitted under section 8(b) of this chapter, if the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot



must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

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

(f) Subject to section 10.1 of this chapter, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

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

SECTION 57. 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) (I) 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.

SECTION 58. IC 3-11-2-16, AS AMENDED BY P.L.194-2013, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) If an election board determines that a



ballot printed under the authority of the election board does not comply with a requirement imposed by this title or contains any other error or omission that might result in confusion or mistakes by voters, the board shall:

- (1) reprint or correct the ballot; or
- (2) conduct a public hearing concerning the defective ballots.

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

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

- (1) The number of ballots, if any, containing the error or omission that have already been cast.
- (2) The cost of correcting the error through the use of reprinted ballots or any other suitable method.
- (3) Whether the error or omission would be likely to cause confusion or mistakes by voters.
- (4) Whether any voter objects to the use of the ballots, notwithstanding the error or omission.

(d) If:

- (1) a voter does not file a written objection to the use of the ballots with the board before the board concludes the hearing; and
- (2) the board determines that the use of the ballots would not be likely to cause confusion or mistakes by voters;

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

(e) If:

- (1) a voter files a written objection to the use of the ballots with the board before the board concludes the hearing; or
- (2) the board determines that the use of the ballots would be likely to cause confusion or mistakes by voters;

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

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

SECTION 59. IC 3-11-3-29.3, AS AMENDED BY P.L.169-2015, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2019]: Sec. 29.3. (a) This section applies to a candidate who has filed with the secretary of state or election division as a candidate for nomination in a primary election.

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

- (1) not include the name of the candidate in the certification transmitted to the county under IC 3-8-2-17; or
- (2) if the certification to the county has already been transmitted, notify the county election board of each county to which the candidate's name has been previously certified.

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

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

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

SECTION 60. IC 3-11-3-29.4, AS AMENDED BY P.L.169-2015, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 29.4. (a) This section applies to a candidate who has filed with a circuit court clerk or board of elections and registration as a candidate for:

- (1) nomination in a primary election or municipal primary election; or
- (2) election to a political party office in a primary election.

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

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

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

(e) If a deceased candidate receives the most votes in a primary



election, a candidate vacancy occurs that the candidate's party may fill under IC 3-13.

SECTION 61. 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.

SECTION 62. 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 63. 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

(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.

SECTION 64. IC 3-11-4-22 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 22. Each circuit court clerk shall do both of the following:

(1) ~~Keep a separate absentee ballot record for each precinct in the county.~~

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

~~(A) The number of absentee ballots sent to each absentee voter.~~

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

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

SECTION 65. IC 3-11-7-4, AS AMENDED BY P.L.201-2017, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (b), a ballot card voting system must permit a voter to vote:

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

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

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

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

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

(1) county council;

(2) city common council;

(3) town council; or

(4) township board;

make a voting mark for each individual candidate for whom the voter wishes to cast a vote. The ballot card voting system may not count any straight party ticket voting mark as a vote for any candidate for an



office described by this subsection.

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

- (1) for all candidates for presidential electors and alternate presidential electors of a political party or an independent ticket by making a single voting mark; and
- (2) for or against a public question on which the voter may vote.

SECTION 66. IC 3-11-7.5-10, AS AMENDED BY P.L.201-2017, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) Except as provided in subsection (b), an electronic voting system must permit a voter to vote:

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

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

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

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

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

- (1) for as many candidates for an office as the voter may vote for, but no more;
- (2) for or against a public question on which the voter may vote, but no other; and
- (3) for all the candidates for presidential electors and alternate presidential electors of a political party or an independent ticket by making a single voting mark.

SECTION 67. IC 3-11-8-3.2, AS AMENDED BY P.L.225-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2019]: Sec. 3.2. (a) A county ~~executive~~ **election board** shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must state whether the polls are located in an accessible facility.

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

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

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

SECTION 68. 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 69. 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.

SECTION 70. 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 71. 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.

SECTION 72. IC 3-11-10-1.5 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 1-5: (a) This section applies to a voter:

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

(A) ceases to be a candidate; and

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

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

(b) If:

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

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

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

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

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

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

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

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

SECTION 73. IC 3-11-10-3 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 3: A county election board must receive an absentee ballot in time for the board to deliver the ballot to the precinct election board of the voter's precinct before the closing of the polls on election day.

SECTION 74. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2019]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

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

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

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

SECTION 75. IC 3-11-10-5 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 5: If a county election board unanimously finds that the signature on a ballot envelope or transmitted affidavit is not genuine, the board shall write upon the ballot envelope or transmitted affidavit the words "The county election board has questioned the genuineness of the signature of this voter.". These ballots shall be delivered to the polls on election day under section 12 of this chapter with instructions to verify the voter's signature under section 15 of this chapter.

SECTION 76. IC 3-11-10-6 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 6: If a county election board is unable to unanimously determine whether the signature on a ballot envelope is genuine, the board shall write upon the ballot envelope or transmitted affidavit the words "Signature Disputed". The board then shall deliver all disputed ballot envelopes, together with any evidence of a documentary nature presented before the board, to the proper precinct at the same time that undisputed ballots are delivered.

SECTION 77. IC 3-11-10-7 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 7: After receipt of disputed ballots under section 6 of this chapter, a precinct election board shall determine whether each disputed ballot will be voted or rejected.



SECTION 78. IC 3-11-10-8 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 8: (a) If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a carrier envelope. The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.

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

SECTION 79. IC 3-11-10-9 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 9: Each circuit court clerk shall keep all accepted ballot envelopes securely in the clerk's office until they are delivered to the proper precincts in accordance with section 12 of this chapter.

SECTION 80. IC 3-11-10-11, AS AMENDED BY P.L.221-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) On election day each circuit court clerk (or an agent of the clerk) shall visit the appropriate post office to accept delivery of absentee envelopes at the latest possible time that will permit delivery of the ballots to the appropriate precinct election boards before 6 p.m.

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

SECTION 81. IC 3-11-10-12 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 12: (a) Except as provided in section 12.5 of this chapter, each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

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

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



- (1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and
- (2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title:

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

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

SECTION 82. IC 3-11-10-12.5 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 12.5: (a) This section applies to absentee ballots cast:

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

(b) Notwithstanding section 12 of this chapter, a county election board is not required to deliver absentee ballots described in subsection (a) to the precincts for counting. However, the county election board shall deliver to each precinct a list of the names of voters who have cast absentee ballots described in subsection (a). The county election board shall deliver this list at the same time the county election board delivers other absentee ballots to the precinct. Absentee ballots described in subsection (a) may be challenged using the same procedure that applies to other absentee ballots. The judges shall mark the poll list to indicate that each voter on the list sent by the county election board has voted by absentee ballot. If a voter has already voted at the precinct or if the absentee ballot is challenged; the judges shall note that fact on the list sent by the county election board and return the list to the county election board with the precinct's other election materials. The county election board shall delete the absentee votes of a voter described in subsection (a) whose name has been noted by the judges as having voted at the precinct. The county election board shall count the absentee ballots described in subsection (a) using the procedures in IC 3-11.5 for counting absentee ballots at a central location; including the procedures for challenging absentee ballots and eliminating the absentee ballots of individuals voting in person at the polls; to assure



that the ballots cast on the direct record electronic voting system may be counted:

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

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

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

SECTION 83. IC 3-11-10-13 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 13: The appointed members of the county election board or members of the absentee voter boards established under section 36 of this chapter shall deliver the absentee ballots under section 12 of this chapter. The delivery of the absentee ballots must be at all times under the combined control of members of both political parties represented on the county election board. Upon delivery of absentee ballots to a precinct election board, the inspector shall sign a receipt for the ballots.

SECTION 84. IC 3-11-10-14 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 14: Subject to IC 3-10-8-7.5; IC 3-12-1-17; and section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day are considered as arriving too late and need not be delivered to the polls.

SECTION 85. IC 3-11-10-15 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 15: At any time between the opening and closing of the polls on election day, the inspector, in the presence of the precinct election board, shall do all of the following:

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

SECTION 86. IC 3-11-10-16 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 16: (a) If the inspector finds under section 15 of this chapter that:

- (1) the affidavit is properly executed;
- (2) the signatures correspond;
- (3) the absentee voter is a qualified voter of the precinct;
- (4) the absentee voter is registered and is not required to file



additional information with the county voter registration office under IC 3-7-33-4.5;

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

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

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

SECTION 87. IC 3-11-10-16.5 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 16.5: If the inspector finds under section 16(a) of this chapter that the voter has not filed the additional information required to be filed with the county voter registration office under IC 3-7-33-4.5, but that all of the other findings listed under section 16(a) of this chapter apply, the inspector shall direct that the absentee ballot be processed as a provisional ballot under IC 3-11-7.

SECTION 88. IC 3-11-10-17 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 17: (a) If the inspector finds under section 15 of this chapter that any of the following applies, a ballot may not be accepted or counted:

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

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

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

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

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

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

(4) The absentee voter has not registered.



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

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

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

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

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

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

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

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

(B) on the absentee ballot application.

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

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

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

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

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

SECTION 89. IC 3-11-10-18 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 18. Each ballot not accepted or counted for any of the reasons prescribed by section 17 of this chapter shall, without being unfolded to disclose how it is marked, be endorsed with the words: "Rejected (giving the reason or reasons therefor)". All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the inspector shall write the words: "Defective absentee ballots". The inspector shall also identify the precinct and the date of the election on the envelope containing the rejected ballots. The defective absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and



preservation of official ballots cast and uncast at the election:

SECTION 90. IC 3-11-10-20 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 20: Before depositing an absentee ballot in a ballot box, the inspector shall:

- (1) notify the challengers and the pollbook holders that the inspector is about to deposit an absentee ballot; and
- (2) provide the challengers and pollbook holders with the name and address of the absentee voter so that the voter may be challenged under this article:

SECTION 91. IC 3-11-10-21 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 21: The vote of an absentee voter may be challenged at the polls for the reason that the absentee voter is not a legal voter of the precinct where the ballot is being cast. The challenge under this section regarding the absentee ballot must be determined by the county election board using the procedures for counting a provisional ballot under IC 3-11-7.

SECTION 92. IC 3-11-10-22 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 22: (a) If an absentee ballot is challenged under section 21 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person:

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

(c) An absentee voter is not required to provide proof of identification:

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

SECTION 93. IC 3-11-10-23 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 23: If proof is given to a precinct election board that an absentee voter marked and forwarded an absentee ballot but died before election day, then the inspector shall return the ballot of the deceased voter with the other defective ballots to the officer issuing the ballots. However, the casting of an absentee ballot by a deceased voter does not invalidate an election:

SECTION 94. IC 3-11-10-24, AS AMENDED BY P.L.169-2015, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to



vote by mail:

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

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

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

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

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

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

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

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

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

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

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

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

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

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

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

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

(b) A voter with disabilities who:

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

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

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

(c) If a voter receives an absentee ballot by mail, the voter shall



personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

- (1) deposit the sealed envelope in the United States mail for delivery to the county election board; or
- (2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:
 - (A) deposit the sealed envelope in the United States mail; or
 - (B) deliver the sealed envelope in person to the county election board.

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

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

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

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in ~~section 4.5 of this chapter~~. **IC 3-11.5-4-2.**

SECTION 95. 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.

SECTION 96. 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.

SECTION 97. IC 3-11-10-34 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 34: If an envelope containing an absentee ballot has been marked "Rejected as defective" and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person.

SECTION 98. IC 3-11-10-35 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 35: (a) This section does not apply to an absentee ballot required to be treated as a provisional ballot under IC 3-11-7.

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



SECTION 99. IC 3-11-10-37 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 37. (a) Not later than noon fifty (50) days before election day, each county election board shall notify the county chairmen of the two (2) political parties that have appointed members on the county election board of the number of absentee voter boards to be appointed under section 36 of this chapter:

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

SECTION 100. 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 are entitled to a per diem at a rate set by the county fiscal body.**

(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.

SECTION 101. 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.

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

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

SECTION 103. 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 if the voter's name is known.**
- (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.

SECTION 104. 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 105. 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.

(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.

SECTION 106. 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 107. 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.**

SECTION 108. 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).

SECTION 109. 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 if the voter's name is known.

(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 110. 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.**

SECTION 111. IC 3-11-14-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. **(a)** After voting, the voter shall immediately leave the booth and announce to the poll clerks that the voter has voted. The poll clerks shall write a voting mark after the voter's name, and the voter shall leave the room.

(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 complete the process of casting the ballot for the voter. The judges shall promptly complete a form prescribed under IC 3-5-4-8. The form must be signed by both judges and contain the following information:

- (1) The name of the voter who left the polls without completing the process of casting a ballot if the voter's name is known.**
- (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 the judges jointly cast the ballot without either**



judge making any alteration to the choices made by the voter.

SECTION 112. IC 3-11-14-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 32. The certificates of the number of votes cast for each person shall be made and signed as required by IC 3-12, and the precinct election officers shall make and sign ~~all statements~~ **the statement** of the number of votes required by law ~~in duplicate, triplicate, or otherwise.~~ **under section 30 of this chapter. The inspector is only required to provide duplicate copies of the statement to another precinct election officer or a watcher, upon request.** The certificates and other papers shall be returned to the circuit court clerk in the same manner and with the same penalties that are prescribed in IC 3-12 for election returns from precincts in which electronic voting systems are not used.

SECTION 113. 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.

SECTION 114. 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.**

SECTION 115. IC 3-11-18.1-4, AS AMENDED BY P.L.76-2014, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4. The plan required by section 3 of this chapter must include at least the following:**

- (1) The total number of vote centers to be established.
- (2) The location of each vote center.
- (3) The effective date of the order.
- (4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:
 - (A) The total number of voters within the county.
 - (B) The number of active voters within the county.
 - (C) The number of inactive voters within the county.
- ~~(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.~~
- ~~(6) (5) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.~~
- ~~(7) (6) For each precinct election board designated under subdivision (6); (5), the number and name of each precinct the precinct election board will administer consistent with section 13 of this chapter for an election that is not being held in each~~



precinct of the county.

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

~~(9)~~ (8) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

~~(10)~~ (9) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to manage data in an electronic poll book through a secure electronic connection between the county election board and the precinct election officials administering a vote center.

~~(11)~~ (10) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll book used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll books used by precinct election officers at all other vote centers in the county.

~~(12)~~ For each precinct designated under subdivision (5), the number of electronic poll books to be provided for the precinct.

~~(13)~~ (11) This subdivision applies to a county in which ballot cards are used at a vote center. For each vote center designated under subdivision (2), whether each ballot card printed will have 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 printed on the back of the ballot card immediately before the ballot card is delivered to a voter.

~~(14)~~ (12) The security and contingency plans to be implemented by the county to do all of the following:

(A) Prevent a disruption of the vote center process.

(B) Ensure that the election is properly conducted if a disruption occurs.

(C) Prevent access to an electronic poll book without the coordinated action of two (2) precinct election officers who are



not members of the same political party.

~~(15)~~ **(13)** A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

~~(16)~~ **(14)** A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

~~(17)~~ **(15)** The total number and locations of satellite offices to be established under IC 3-11-10-26.3 at vote center locations designated under subdivision (2) to allow voters to cast absentee ballots in accordance with IC 3-11. However, a plan must provide for at least one (1) vote center to be established as a satellite office under IC 3-11-10-26.3 on the two (2) Saturdays immediately preceding an election day.

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

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

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

SECTION 116. IC 3-11-18.1-5, AS AMENDED BY P.L.201-2017, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in ~~subsection (b)~~, **subsections (b) and (c)**, a plan must provide a vote center for use by voters residing within the county for use in a primary election, general election, special election, municipal primary, or municipal election conducted on or after the effective date of the county election board's order.

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

(1) located within the county; and

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



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

SECTION 117. IC 3-11-18.1-7, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. Before adopting an order designating a county as a vote center county under this chapter, the county election board must determine the following:

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

SECTION 118. 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.

(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.

SECTION 119. 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) 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 120. 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.~~

SECTION 121. IC 3-11.5-1-4 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 4. To the extent that they are in conflict with this article, the following statutes do not apply to a county that has adopted a resolution described by section 1 of this chapter (before its repeal) or section 1.1 of this chapter:

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



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

SECTION 122. IC 3-11.5-4-0.5 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 0.5: (a) This section applies only to a county having a consolidated city:

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

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

- (1) requires absentee ballots to be counted at individual precincts instead of at a central location; and
- (2) states the board's basis for adopting the requirement described in subdivision (1);



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

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

SECTION 123. 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 124. IC 3-11.5-4-11, AS AMENDED BY SEA 558-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2019 (RETROACTIVE)]: 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 125. 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 126. 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.

SECTION 127. 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 128. 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.

SECTION 129. IC 3-11.5-6-4, AS AMENDED BY P.L.210-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a county having a consolidated city. To minimize delay, the absentee ballot counters shall continue to count without interruption until all absentee ballots for the precinct are canvassed and the certificates required by this chapter are prepared and delivered to the person entitled to receive the certificates.

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

SECTION 130. 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 131. 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 132. 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 133. 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.

SECTION 134. IC 3-11.7-5-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 30. (a) This section applies to a provisional ballot that the county election board determines was cast by an individual who is registered to vote in an Indiana county other than the county in which the provisional ballot was cast.**

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

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

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

SECTION 135. IC 3-11.7-6-3, AS AMENDED BY P.L.128-2015, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 3. (a) As required by 52 U.S.C. 21082, a county election board shall establish a free access system such as a toll-free telephone number or an Internet web site that enables a provisional voter to determine:**

(1) whether the individual's provisional ballot was counted; and

(2) if the provisional ballot was not counted, the reason the provisional ballot was not counted.

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

(1) The name of the individual.

(2) The address of the individual.



(3) Whether the individual's provisional ballot was counted.

(4) If the individual's provisional ballot was not counted, the reason the provisional ballot was not counted.

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

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

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

SECTION 136. IC 3-11.7-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

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

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

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

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

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.

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

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

(2) extend the hours for the polls at the precinct or vote center for a period of time not more than the time that the polls were closed during the hours set forth in IC 3-11-8-8.

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

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

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

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

SECTION 137. IC 3-12-1-5, AS AMENDED BY P.L.21-2016, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) This subsection does not apply to a ballot card voting system or an electronic voting system. Except as provided in subsection (d), a voting mark made by a voter on or in a voting square at the left of a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

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

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

(2) to connect a connectable arrow;

immediately below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the



political party, except as provided in subsection (d).

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

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

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

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

SECTION 138. IC 3-12-1-8, AS AMENDED BY P.L.21-2016, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) Except as provided in subsection (b), a voting mark made by a voter on or in a circle containing a political party device shall be counted as a vote for each candidate of that political party on that ballot.

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

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

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

SECTION 139. IC 3-12-1-17, AS AMENDED BY P.L.76-2014, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) This section applies only to an absentee ballot sent by mail.

(b) Notwithstanding ~~IC 3-11-10-14~~ and IC 3-11.5-4-7, an absentee ballot received from an overseas voter is not considered as arriving too



late if both of the following apply:

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

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

SECTION 140. IC 3-12-1-19, AS ADDED BY P.L.66-2010, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) This section applies to a federal write-in absentee ballot cast in a general election, municipal election, or special election as provided in IC 3-11-4-12.5(b)(2) by an absent uniformed services voter or overseas voter.

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

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

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

- (1) an individual who is a candidate for President of the United States;**
- (2) an individual who is a candidate for Vice President of the United States; or**
- (3) both individuals who are candidates for President of the United States and Vice President of the United States.**

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

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

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

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



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

SECTION 141. IC 3-12-2-1, AS AMENDED BY P.L.128-2015, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This chapter:

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

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

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

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

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

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

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

~~(d) (c) If a precinct election board administers more than one (1) precinct, 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 142. 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.

SECTION 143. IC 3-12-5-1, AS AMENDED BY P.L.221-2005, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Whenever a candidate is elected to a local office that is commissioned by the governor under IC 4-3-1-5, the circuit court clerk shall prepare a statement ~~under the clerk's seal~~ specifying the number of votes received by each candidate for that office.



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

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

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

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

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

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

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

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

SECTION 144. IC 3-12-5-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) This section applies to a statement required to be ~~sent or delivered~~ **transmitted** to the election division by a circuit court clerk under this chapter.

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

SECTION 145. IC 3-12-5-5, AS AMENDED BY P.L.221-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Not later than noon on the second Monday following an election for governor and lieutenant governor, each circuit court clerk shall prepare a certified statement ~~under the clerk's seal~~ showing the number of votes each candidate received. The clerk shall transmit the statement to the election division **in accordance with section 1.5 of this chapter.** The election division



shall deliver:

- (1) the statement to the speaker of the house of representatives before the date described in subsection (b); and
- (2) a copy of each statement to the office.

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

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

- (1) tie vote, as required under Article 5, Section 5 of the Constitution of the State of Indiana; or
- (2) contest under Article 5, Section 6 of the Constitution of the State of Indiana.

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

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

SECTION 146. IC 3-12-5-6, AS AMENDED BY P.L.221-2005, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Not later than noon on the second Monday following an election, each circuit court clerk shall prepare a certified statement under the clerk's seal of the number of votes received by each candidate for:

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

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

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

SECTION 147. IC 3-12-5-11, AS AMENDED BY P.L.221-2005, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) As soon as practical, but no later than noon on the second Monday following an election for a legislative office, each circuit court clerk shall:



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

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

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

SECTION 148. IC 3-12-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. The election division may not reject a certified statement received ~~under seal~~ from a circuit court clerk under section 6 or 11 of this chapter but shall estimate, aggregate, and tabulate the total number of votes as evidenced by the face of each certified statement.

SECTION 149. IC 3-12-8-1, AS AMENDED BY P.L.194-2013, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section does not apply to a challenge filed before an election to the eligibility of a candidate nominated by petition for election to an office. The challenge described by this subsection must be conducted in accordance with IC 3-8-1-2.

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

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

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

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

SECTION 150. IC 3-12-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The expenses of a recount conducted by the state recount commission shall be paid from the state recount fund following the commission's determination of whether a full or partial refund of the cash deposit



should be granted under IC 3-12-11-10.

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

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

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

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

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

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

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

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

SECTION 151. 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.

SECTION 152. 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 153. 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.

SECTION 154. 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 155. 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 156. 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 157. 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 158. 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 159. 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 160. 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 1 of this chapter and exists for more than thirty (30) days. the applicable deadline for a major political party to fill the vacancy as set forth in IC 3-13-11-3.~~

(d) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

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



(4) be sent by first class mail to each commissioner at least ten (10) days before the meeting.

(e) If 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 161. 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

- ~~(1) not later than thirty (30) days after:~~
 - ~~(1) the vacancy occurs, if the vacancy is not covered by section 1 of this chapter; or~~
 - ~~(2) not later than sixty (60) days after the vacancy occurs, if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days. the applicable deadline for a major political party to fill the vacancy as set forth in IC 3-13-11-3.~~



(d) The notice must:

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

(e) If a vacancy:

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

the meeting required by subsection (c) shall be held not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required under subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

(f) If a vacancy:

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

the meeting required by subsection (c) shall be held not later than sixty (60) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

SECTION 162. 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) and (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.**

SECTION 163. IC 3-14-2-1, AS AMENDED BY P.L.158-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. A person who knowingly does any of the following commits a Level 6 felony:

- (1) Conspires with an individual for the purpose of encouraging the individual to submit a false application for registration.
- (2) Conspires with an individual for the purpose of encouraging the individual to vote illegally.
- (3) Pays or offers to pay an individual **any property** for doing any of the following:
 - (A) Applying for an absentee ballot.
 - (B) Casting an absentee ballot.
 - (C) Registering to vote.
 - (D) Voting.
- (4) Accepts the payment of any property for doing any of the following:
 - (A) Applying for an absentee ballot.



(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Voting.

(5) Pays or offers to pay an individual any property based on the number of signatures obtained to place a candidate or public question on a ballot. This subdivision does not prohibit payment for gathering signatures not based, either directly or indirectly, on the number of signatures obtained to place a candidate or public question on a ballot.

(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 164. 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.

SECTION 165. IC 5-8-6-3, AS ADDED BY P.L.119-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A person who knows of the death of an officeholder may certify the death to the following:

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

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

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

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

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

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

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

(2) certify, under the penalties for perjury, that to the best of the



person's knowledge and belief, the information stated is true.

SECTION 166. IC 7.1-3-20-16.1, AS AMENDED BY P.L.2-2007, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.1. (a) This section applies to a municipal riverfront development project authorized under section 16(d) of this chapter.

(b) In order to qualify for a permit, an applicant must demonstrate that the municipal riverfront development project area where the permit is to be located meets the following criteria:

(1) The project boundaries must border on at least one (1) side of a river.

(2) The proposed permit premises may not be located more than:

(A) one thousand five hundred (1,500) feet; or

(B) three (3) city blocks;

from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit premises are located within:

(A) an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;

(B) an economic development project district under IC 36-7-15.2 or IC 36-7-26; or

(C) a community revitalization enhancement district designated under IC 36-7-13-12.1.

(4) The project must be funded in part with state and city money.

(5) The boundaries of the municipal riverfront development project must be designated by ordinance or resolution by the legislative body (as defined in ~~IC 36-1-2-9(3)~~ **IC 36-1-2-9(2)** or ~~IC 36-1-2-9(4)~~ **IC 36-1-2-9(3)**) of the city in which the project is located.

(c) Proof of compliance with subsection (b) must consist of the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire municipal riverfront development project; and

(B) the location of the proposed permit within the project.

(2) A copy of the local ordinance or resolution of the local



governing body authorizing the municipal riverfront development project.

(3) Detailed information concerning the expenditures of state and city funds on the municipal riverfront development project.

(d) Notwithstanding subsection (b), the commission may issue a permit for premises, the location of which does not meet the criteria of subsection (b)(2), if all the following requirements are met:

(1) All other requirements of this section and section 16(d) of this chapter are satisfied.

(2) The proposed premises is located not more than:

(A) three thousand (3,000) feet; or

(B) six (6) blocks;

from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit applicant satisfies the criteria established by the commission by rule adopted under IC 4-22-2. The criteria established by the commission may require that the proposed premises be located in an area or district set forth in subsection (b)(3).

(4) The permit premises may not be located less than two hundred (200) feet from facilities owned by a state educational institution.

(e) A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3.

SECTION 167. 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.

SECTION 168. IC 13-11-2-74, AS AMENDED BY P.L.77-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 74. "Executive" means the **following**:

(1) **The** board of commissioners of a county that

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

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

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

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

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

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

~~(4) (3) The~~ mayor of a city. ~~or~~

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

SECTION 169. 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.

SECTION 170. IC 20-23-8-8.5, AS ADDED BY P.L.271-2013, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.5. (a) ~~Not later than December 31, 2013,~~ The governing body shall do the following:

- (1) Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.
- (2) If any members of the governing body are elected from election districts voted upon by only the registered voters residing



within the election district, certify that the election districts comply with section 8 of this chapter.

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

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

- (1) A copy of the amendment.
- (2) Either of the following:
 - (A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 8 of this chapter.
 - (B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 8 of this chapter, a map of the new district boundaries.

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

- (e) If a conflict exists between:
- (1) a map showing the boundaries of a district; and
 - (2) a description of the boundaries of that district set forth in the plan or plan amendment;

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

SECTION 171. IC 20-23-12-9, AS AMENDED BY P.L.74-2017, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. The members are elected as follows:

- (1) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2020 and every four (4) years thereafter.
- (2) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in ~~2018~~ **2022** and every four (4) years thereafter.
- (3) The at-large member elected under section 3(c) of this chapter is elected at the general election to be held in 2020 and every four



(4) years thereafter.

SECTION 172. IC 20-23-14-9, AS AMENDED BY P.L.74-2017, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. The members are elected as follows:

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

(2) Two (2) of the members are elected at the general election to be held in ~~2018~~ **2022** and every four (4) years thereafter.

SECTION 173. IC 20-23-17.2-3.1, AS AMENDED BY P.L.74-2017, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.1. (a) The governing body of the school corporation consists of five (5) members, elected as provided in this chapter.

(b) Three (3) members shall be elected as follows:

(1) From districts established as provided in section 4.1 of this chapter.

(2) On a nonpartisan basis.

(3) At the general election held in the county in ~~2018~~ **2022** and every four (4) years thereafter.

(c) Two (2) members shall be elected as follows:

(1) At large by all the voters of the school corporation.

(2) On a nonpartisan basis.

(3) At the general election held in the county in ~~2016~~ **2020** and every four (4) years thereafter.

(d) The term of office of a member of the governing body:

(1) is four (4) years; and

(2) begins January 1 after the election of members of the governing body.

(e) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 174. IC 20-24-2.3-2, AS AMENDED BY P.L.77-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. As used in this chapter, "executive" has the meaning set forth in ~~IC 36-1-2-5(3)~~ **IC 36-1-2-5(2)**.

SECTION 175. IC 20-46-1-14, AS AMENDED BY P.L.85-2017, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the appellant school corporation are entitled to vote after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than



noon:

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

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

- (1) sixty (60) days before a special election to be held in May (if the special election is to be held in May); or
- (2) on August 1 (if the special election is to be held in November).

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

SECTION 176. IC 33-35-1-1, AS AMENDED BY P.L.161-2018, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) During ~~2018~~ **2022** and every fourth year after that, a second or third class city or a town may by ordinance establish or abolish a city or town court. An ordinance to establish a city or town court must be adopted not less than one (1) year before the judge's term would begin under section 3 of this chapter.

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

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

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

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

- (1) The office of judicial administration under IC 33-24-6.
- (2) **The secretary of state.**
- (3) **The circuit court clerk of the county in which the greatest**

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population of the city or town resides.

SECTION 177. IC 35-52-36-1.5 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 1-5: IC 36-2-2.5-15 defines a crime concerning single county executives:~~

SECTION 178. IC 36-1-2-5, AS AMENDED BY P.L.77-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. "Executive" means the **following**:

- (1) ~~The~~ board of commissioners, for a county that
 - ~~(A)~~ does not have a consolidated city, ~~and~~
 - ~~(B)~~ is not subject to IC 36-2-2.5;
- ~~(2)~~ single county executive elected under IC 3-10-2-13, for a county that:
 - ~~(A)~~ does not have a consolidated city; and
 - ~~(B)~~ is subject to IC 36-2-2.5;
- ~~(3)~~ **(2)** The mayor of the consolidated city, for a county having a consolidated city.
- ~~(4)~~ **(3)** The mayor, for a city.
- ~~(5)~~ **(4)** The president of the town council, for a town.
- ~~(6)~~ **(5)** The trustee, for a township.
- ~~(7)~~ **(6)** The superintendent, for a school corporation. ~~or~~
- ~~(8)~~ **(7)** The chief executive officer, for any other political subdivision.

SECTION 179. IC 36-1-2-9, AS AMENDED BY P.L.77-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. "Legislative body" means the **following**:

- (1) ~~The~~ board of county commissioners, for a county not subject to IC 36-2-2.5; IC 36-2-3.5; ~~or~~ IC 36-3-1.
- ~~(2)~~ county council, for a county subject to IC 36-2-2.5 ~~or~~ IC 36-2-3.5;
- ~~(3)~~ **(2)** The city-county council, for a consolidated city or county having a consolidated city.
- ~~(4)~~ **(3)** The common council, for a city other than a consolidated city.
- ~~(5)~~ **(4)** The town council, for a town.
- ~~(6)~~ **(5)** The township board, for a township.
- ~~(7)~~ **(6)** The governing body of any other political subdivision that has a governing body. ~~or~~
- ~~(8)~~ **(7)** The chief executive officer of any other political subdivision that does not have a governing body.

SECTION 180. IC 36-1-2-24, AS AMENDED BY P.L.77-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24. "Works board" means the **following**:



- (1) **The** board of commissioners, for a county
 - ~~(A)~~ not having a consolidated city. ~~and~~
 - ~~(B)~~ not subject to IC 36-2-2.5;
- ~~(2)~~ single county executive for a county:
 - ~~(A)~~ not having a consolidated city; and
 - ~~(B)~~ subject to IC 36-2-2.5;
- ~~(3)~~ **(2)** The board of public works or board of public works and safety, for a city. ~~or~~
- ~~(4)~~ **(3)** The town council, for a town.

SECTION 181. IC 36-1-3-6, AS AMENDED BY P.L.77-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

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

- (1) if the unit is a county or municipality, adopt an ordinance prescribing a specific manner for exercising the power;
- (2) if the unit is a township, adopt a resolution prescribing a specific manner for exercising the power; or
- (3) comply with a statutory provision permitting a specific manner for exercising the power.

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

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

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

SECTION 182. IC 36-2-2-1, AS AMENDED BY P.L.77-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. Except as specifically provided, this chapter does not apply to the following:

- ~~(1)~~ a county having a consolidated city.
- ~~(2)~~ A county in which a single county executive has been elected and is serving under IC 36-2-2.5.

SECTION 183. IC 36-2-2.4 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Determination of County Government Structure).

SECTION 184. IC 36-2-2.5 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Single County Executive).



SECTION 185. IC 36-2-2.7 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Reversion to Previous County Government Structure).

SECTION 186. IC 36-2-3-4, AS AMENDED BY P.L.77-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

~~Except as provided in section 4.1 of this chapter,~~ The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

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

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

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.



(e) Except as provided by subsection (g), a division under subsection (a), (b), or (c) shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e). ~~In a county in which a public question is approved under IC 36-2-2.7-5, a division under subsection (a) shall be made by the county council during the year before county council members will be elected under IC 36-2-2.7-6(8).~~

(g) This subsection applies during the first year after a year in which a federal decennial census is conducted. If the county executive, county redistricting commission, or county fiscal body determines that a division under subsection (e) is not required, the county executive, county redistricting commission, or county fiscal body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(h) Each time there is a division under subsection (e) or (f) or a recertification under subsection (g), the county executive, county redistricting commission, or county fiscal body shall file with the circuit court clerk of the county, not later than thirty (30) days after the division or recertification occurs, a map of the district boundaries:

- (1) adopted under subsection (e) or (f); or
- (2) recertified under subsection (g).

(i) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(j) If a conflict exists between:

- (1) a map showing the boundaries of a district; and
- (2) a description of the boundaries of that district set forth in the ordinance;

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

SECTION 187. IC 36-2-3-4.1 IS REPEALED [EFFECTIVE JULY



1, 2019]. Sec. 4.1. (a) This section applies only to a county:

- (1) that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and
- (2) in which a public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

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

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

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population;
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section;
- (5) consider how communities of interest within the county can best be represented; and
- (6) be drawn so as to provide at least one (1) representative to each distinct community of interest to the extent practicable and not inconsistent with other applicable law.

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

- (1) effective for the 2018 general election; and
- (2) whenever the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(e) After a division is initially made under subsection (b), another division may be made in any odd-numbered year not described in subsection (d):

SECTION 188. IC 36-2-3.7 IS REPEALED [EFFECTIVE JULY 1, 2019]. (County Council as the County Legislative Body).

SECTION 189. IC 36-2-4-8, AS AMENDED BY P.L.77-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

(b) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published once each week for two (2) consecutive weeks, according to IC 5-3-1. However, if such an



ordinance is adopted by the legislative body of a county subject to IC 36-2-2.5 or IC 36-2-3.5 and there is an urgent necessity requiring its immediate effectiveness, it need not be published if:

- (1) the county executive proclaims the urgent necessity; and
- (2) copies of the ordinance are posted in three (3) public places in each of the districts of the county before it takes effect.

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

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

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

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

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

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

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

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

(3) (2) Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subdivision (2)(A): (1)(A).

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

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

(d) After an ordinance or resolution passed by the legislative body



of a county subject to IC 36-2-2.5 or IC 36-2-3.5 has been signed by the presiding officer; the county auditor shall present it to the county executive; and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it; the executive shall:

- (1) approve the ordinance or resolution; by signature of a majority of the executive (in the case of a county subject to IC 36-2-3.5) or by signature of the single county executive (in the case of a county subject to IC 36-2-2.5); and send the legislative body a message announcing its approval; or
- (2) veto the ordinance or resolution; by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

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

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

- (1) be published:
 - (A) one (1) time in accordance with IC 5-3-1; and
 - (B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and
- (2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

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

- (1) approved by the department; and
- (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5.

SECTION 190. IC 36-5-1-20, AS AMENDED BY P.L.77-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 20. (a) This section does not apply to a town described by IC 36-5-1-11.5.

(b) A town subject to this chapter may be dissolved if the county election board of the county in which the greatest percentage of population of the town is located conducts a public hearing and finds that the town has not elected town officers or had a functioning town



government during the preceding ten (10) years.

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

SECTION 191. IC 36-6-6-2, AS AMENDED BY P.L.266-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in subsection (b) and section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

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

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

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

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

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

SECTION 192. 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 **vacancy 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.

SECTION 193. IC 36-9-13-2, AS AMENDED BY P.L.233-2015, SECTION 340, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

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

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

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

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

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

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

~~(7) (6) Board of school trustees, board of school commissioners, or school board, for a school corporation.~~

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

SECTION 194. IC 36-9-27-5, AS AMENDED BY P.L.77-2014, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except in a county having a consolidated city or as provided in subsection (d), the drainage board consists of either:

(1) the county executive; or

(2) three (3) or five (5) persons, at least one (1) of whom must be a member of the executive, appointed by the executive;

at the option of the executive. Appointees under subdivision (2) must be resident freeholders of the county who are knowledgeable in drainage matters. Freeholders appointed to the board serve for terms of three (3) years, with their initial appointments made so as to provide for



staggering of terms on an annual basis. In addition, the county surveyor serves on the board as an ex officio, nonvoting member.

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

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

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

(1) The drainage board consists of:

(A) the single county executive; and

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

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

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

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

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

SECTION 195. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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