

# HOUSE BILL No. 1011

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5; IC 3-7; IC 3-8-2-11; IC 3-9; IC 3-10; IC 3-11; IC 3-11.7; IC 3-12-9-4; IC 3-13-5-0.1; IC 3-14; IC 9-24-2.5; IC 33-33-49-13; IC 33-35-1-1 .

**Synopsis:** Miscellaneous election law matters. Provides that the fee a person must pay to receive a complete compilation of voter registration information contained in the statewide voter registration list is an annual fee and includes the price for receiving updates of voter registration information throughout the year. Provides that an election official may not receive an election law filing that is offered to be filed after a deadline for the filing unless election law provides for the filing after the deadline. Provides that a vacancy in a legislative office last held by an individual who was not a member of a major political party shall be filled in a special election. Requires the county executive to file a copy of an approved precinct establishment order with the county auditor. Provides that a precinct establishment order issued after June 30, 2005, complies with certain polling place accessibility requirements if the order: (1) includes a statement that the precinct meets the requirements; or (2) states that before April 1, 2006, the county will designate a polling place for the precinct that meets the requirements. Conforms statutes to recognize the requirement in current law for electronic transmittal of data between license branches and the statewide voter registration list. Removes or repeals expired, superseded, or obsolete provisions of election law. Corrects erroneous cross-references. Makes technical changes. Updates election schedules. (The introduced version of this bill was prepared by the census data advisory committee.)

**Effective:** Upon passage; January 1, 2006 (retroactive); July 1, 2006.

**Richardson, Mahern, Behning,  
Thomas**

January 4, 2006, read first time and referred to Committee on Elections and Apportionment.

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Second Regular Session 114th General Assembly (2006)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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# HOUSE BILL No. 1011



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

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

1 SECTION 1. IC 3-5-2-53 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2006]: Sec. 53. "Voting system" means, the  
3 following:  
4 (†) Before January †, 2006; a combination of mechanical;  
5 electromechanical; or electronic equipment that is used to cast  
6 and count votes. The term includes the software and firmware  
7 required to program and to control the equipment. Equipment that  
8 is not an integral part of a voting system but that can be used as  
9 an adjunct to the system is considered to be a component of the  
10 system.  
11 (‡) After December 3†, 2005; as provided in 42 U.S.C. 15481:  
12 (A) (1) the total combination of mechanical, electromechanical,  
13 or electronic equipment (including the software, firmware, and  
14 documentation required to program, control, and support that  
15 equipment) that is used:  
16 (†) (A) to define ballots;  
17 (†) (B) to cast and count votes;



- 1           ~~(iii)~~ (C) to report or display election results; and  
 2           ~~(iv)~~ (D) to maintain and produce any audit trail information;  
 3           and  
 4           ~~(B)~~ (2) the practices and associated documentation used:  
 5           ~~(i)~~ (A) to identify system components and versions of those  
 6           components;  
 7           ~~(ii)~~ (B) to test the system during its development and  
 8           maintenance;  
 9           ~~(iii)~~ (C) to maintain records of system errors and defects;  
 10           ~~(iv)~~ (D) to determine specific system changes to be made to a  
 11           system after the initial qualification of the system; and  
 12           ~~(v)~~ (E) to make available any materials to the voter (such as  
 13           notices, instructions, forms, or paper ballots).

14           SECTION 2. IC 3-5-4-1.9 IS ADDED TO THE INDIANA CODE  
 15 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 16 **UPON PASSAGE]: Sec. 1.9. Except as otherwise provided in this**  
 17 **title, the election division, an election board, a circuit court clerk,**  
 18 **a county voter registration office, or any other official responsible**  
 19 **for receiving a filing under this title may not receive a filing that is**  
 20 **offered to be filed after a deadline for the filing provided by this**  
 21 **title.**

22           SECTION 3. IC 3-7-12-28.1 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28.1. ~~(a) This section~~  
 24 ~~applies after December 31, 2005.~~

25           ~~(b)~~ (a) In addition to the reports required for the statewide voter file,  
 26 the county voter registration office shall file a report with the election  
 27 division not later than noon January 31 of each year.

28           ~~(c)~~ (b) The report must include the following:

- 29           (1) Any revisions to the county NVRA implementation plan  
 30           adopted during the preceding year.  
 31           (2) Other data prescribed by the division.

32           SECTION 4. IC 3-7-13-13 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Except as  
 34 provided in subsections (b) and (c), when an individual registers to  
 35 vote, the individual must provide the individual's driver's license  
 36 number issued under IC 9-24-11, as provided under 42 U.S.C. 15483.

37           (b) If an individual does not have a driver's license issued under  
 38 IC 9-24-11, the individual must provide the last four (4) digits of the  
 39 individual's Social Security number when the individual registers to  
 40 vote, as provided under 42 U.S.C. 15483.

41           (c) ~~This subsection applies after December 31, 2005.~~ As required  
 42 under 42 U.S.C. 15483, if an individual does not have a Social Security

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1 number, the election division shall assign the individual a number to be  
2 associated with the individual's registration in the computerized list  
3 maintained under IC 3-7-26.3. If the individual has an identification  
4 card number issued under IC 9-24-16, the election division shall assign  
5 that number as the voter's number under this subsection. If the  
6 individual does not have an identification card number issued under  
7 IC 9-24-16, the election division shall assign a unique identifying  
8 number to the voter's registration record in the computerized list, as  
9 provided under 42 U.S.C. 15483.

10 (d) The number provided by the individual under subsection (a) or  
11 (b), or the number assigned to the individual under subsection (c), is  
12 the individual's voter identification number.

13 (e) A voter's voter identification number may not be changed unless:

- 14 (1) the voter made an error when providing the number when
- 15 registering to vote;
- 16 (2) the election division or a county voter registration office made
- 17 an error when entering the number into the computerized list
- 18 under IC 3-7-26.3;
- 19 (3) the voter obtains or provides a driver's license number under
- 20 IC 9-24-11 or a Social Security number after the voter was
- 21 assigned a number under subsection (c); or
- 22 (4) the voter ceases to have a driver's license number under
- 23 IC 9-24-11 after the voter provided that number under subsection
- 24 (a).

25 (f) If a voter transfers the voter's registration and the voter's voter  
26 identification number is not included in the voter's registration records,  
27 the voter registration officer of the county in which the voter's  
28 registration is to be transferred shall require the voter to provide the  
29 number required by subsection (a) or (b) before the voter's registration  
30 is transferred. If ~~after December 31, 2005~~, the voter does not have  
31 either of the numbers described in subsection (a) or (b), a voter  
32 identification number shall be assigned to the voter under subsection  
33 (c).

34 SECTION 5. IC 3-7-14-9 IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) An employee of the bureau  
36 of motor vehicles commission who provides an individual with a  
37 driver's license or identification card application shall do the following:

- 38 (1) Inform each individual who applies for a driver's license or an
- 39 identification card that the information the individual provides on
- 40 the individual's application will be used to register the individual
- 41 to vote unless:
- 42 (A) the individual is not eligible to vote;

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- 1 (B) the individual declines to register to vote or fails to  
 2 complete the voter registration part of the application; or  
 3 (C) the individual answers "no" to either question described by  
 4 IC 3-7-22-5(3) or IC 3-7-22-5(4).
- 5 (2) Provide each individual who indicates a desire to register or  
 6 transfer registration with assistance in filling out the voter  
 7 registration application if requested to do so by the individual.
- 8 (3) Check the completed voter registration form for legibility and  
 9 completeness.
- 10 ~~(4) Deliver the completed registration form to the license branch~~  
 11 ~~manager (or the employee designated by the manager to be~~  
 12 ~~responsible for voter registration services) for transmittal to the~~  
 13 ~~appropriate circuit court clerk or board of registration.~~
- 14 ~~(5)~~ (4) Inform the individual that the individual will receive a  
 15 mailing from the county voter registration office of the county  
 16 where the individual resides concerning the disposition of the  
 17 voter registration application.
- 18 ~~(6)~~ (5) Inform each individual who submits a change of address  
 19 for a driver's license or identification card that the information  
 20 serves as notice of a change of address for voter registration  
 21 unless the applicant states in writing on the form that the change  
 22 of address is not for voter registration purposes.
- 23 (b) The bureau of motor vehicles commission shall transmit a voter  
 24 registration form ~~completed after December 31, 2005~~; to the election  
 25 division for transmittal to the appropriate county voter registration  
 26 office in accordance with IC 3-7-26.3.
- 27 SECTION 6. IC 3-7-14-11 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. Whenever an  
 29 applicant completes a voter registration application under section 4 of  
 30 this chapter, the bureau of motor vehicles commission shall provide the  
 31 applicant with a written acknowledgment that the applicant has  
 32 completed a voter registration application at a license branch. The  
 33 acknowledgment:
- 34 (1) may be:
- 35 (A) a detachable part; or  
 36 (B) ~~after December 31, 2005~~; an electronic version;  
 37 of the registration form prescribed under section 4 of this chapter;  
 38 and
- 39 (2) must set forth the name and residential address of the  
 40 applicant and the date that the application was completed.
- 41 SECTION 7. IC 3-7-14-12 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) An applicant

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1 who completes a voter registration application under section 4 of this  
 2 chapter is not required to submit the application to a county voter  
 3 registration office.

4 (b) ~~The bureau of motor vehicles commission shall forward the~~  
 5 ~~voter registration part of the application to a county voter registration~~  
 6 ~~office not later than five (5) days after the date of acceptance and as~~  
 7 ~~provided in IC 9-24-2.5 and 42 U.S.C. 1973gg-3(c)(2)(E). This~~  
 8 ~~subsection expires January 1, 2006.~~

9 (c) ~~This subsection applies after December 31, 2005.~~ (b) The bureau  
 10 of motor vehicles commission shall forward the voter registration part  
 11 of the application to the election division for transmittal to the  
 12 appropriate county voter registration office on an expedited basis in  
 13 accordance with IC 3-7-26.3, IC 9-24-2.5, and 42 U.S.C.  
 14 1973gg-3(c)(2)(E).

15 SECTION 8. IC 3-7-14-14 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. Except as provided  
 17 in section 15 of this chapter, an application under section 4 of this  
 18 chapter authorizes a county voter registration office to update the voter  
 19 registration record of the applicant:

- 20 (1) under 42 U.S.C. 1973gg-3(a)(2) unless the applicant fails to  
 21 sign the voter registration application; or  
 22 (2) ~~after December 31, 2005~~; in a manner authorized under  
 23 IC 3-7-26.3.

24 SECTION 9. IC 3-7-26.3-3 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As required under 42  
 26 U.S.C. 15483, ~~and not later than January 1, 2006~~, the secretary of state  
 27 with the consent of the co-directors of the election division shall  
 28 implement, in a uniform and nondiscriminatory manner, a single,  
 29 uniform, official, centralized, and interactive statewide voter  
 30 registration list under this chapter.

31 SECTION 10. IC 3-7-26.4-1, AS ADDED BY P.L.81-2005,  
 32 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2006]: Sec. 1. This chapter applies

- 34 (1) to the computerized list established under IC 3-7-26.3. ~~and~~  
 35 (2) ~~after December 31, 2005~~.

36 SECTION 11. IC 3-7-26.4-12, AS ADDED BY P.L.81-2005,  
 37 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]: Sec. 12. (a) This section does not apply to the chief  
 39 justice of the supreme court or to a person described by section 8 of  
 40 this chapter.

41 (b) Notwithstanding IC 5-14-3-8, the election division shall charge  
 42 each person described by section 6 of this chapter ~~a~~ **an annual** fee of

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1 five thousand dollars (\$5,000) to receive **the following:**  
 2 (1) A complete compilation of the voter registration information  
 3 contained in the computerized list.  
 4 (2) **Updates of the voter registration information made during**  
 5 **the year covered by the fee.**  
 6 SECTION 12. IC 3-7-27-15 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) This section  
 8 does not apply to a county acting in accordance with ~~section 21~~ **section**  
 9 **21.1** or 22 of this chapter. The county voter registration office shall  
 10 keep all original affidavits or forms of registration in the clerk's or  
 11 board's office except when the affidavits or forms are in the possession  
 12 of the precinct election boards for use on election day at the polls. The  
 13 county voter registration office shall keep any duplicate affidavits or  
 14 forms at all times in the clerk's or board's office.  
 15 (b) If the original affidavits or forms of registration have been  
 16 microfilmed or recorded through a similar electronic process  
 17 authorized under IC 5, any duplicate affidavits may be:  
 18 (1) stored in a secure location outside of the office of the clerk or  
 19 board; or  
 20 (2) discarded, if a microfilmed or similar electronic record of the  
 21 duplicate affidavits is stored in a secure location outside of the  
 22 office of the clerk or board.  
 23 SECTION 13. IC 3-7-27-20.1 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20.1. ~~(a) This section~~  
 25 ~~applies after December 31, 2005.~~  
 26 ~~(b)~~ **(a)** The county voter registration office shall prepare an entry in  
 27 the computerized system that accurately reflects the information set  
 28 forth in the original affidavit of registration. However, the county voter  
 29 registration office is required to enter a voter's voting history for the  
 30 previous ten (10) years only if that history is available.  
 31 ~~(c)~~ **(b)** The county voter registration office is not required to prepare  
 32 a duplicate paper copy of a registration properly entered into the  
 33 computerized system.  
 34 SECTION 14. IC 3-7-27-20.2 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20.2. ~~(a) This section~~  
 36 ~~applies after December 31, 2005.~~  
 37 ~~(b)~~ **(a)** The county voter registration office shall prepare an entry in  
 38 the computerized system indicating:  
 39 (1) whether the applicant was required to provide documentation  
 40 under IC 3-7-33-4.5; and  
 41 (2) if so, whether the required documentation has been provided.  
 42 ~~(c)~~ **(b)** If the documentation required under IC 3-7-33-4.5 has been

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1 provided, the entry must include the following:

2 (1) The date the documentation was filed with the county voter  
3 registration office.

4 (2) Whether the documentation was filed with the county voter  
5 registration office by:

6 (A) a precinct election board after the person voted in person  
7 at the polling place;

8 (B) the county election board after the person applied to cast  
9 an absentee ballot; or

10 (C) the applicant as part of the original filing of the application  
11 to register to vote, or in a subsequent filing received by the  
12 county voter registration office.

13 (3) A brief description of the type of documentation provided.

14 The election division shall provide each county voter registration office  
15 with a suggested coding system for identifying the types of  
16 documentation.

17 SECTION 15. IC 3-7-27-21.1 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21.1. ~~(a) This section~~  
19 ~~applies after December 31, 2005.~~

20 ~~(b) (a)~~ The county voter registration office is not required to  
21 maintain duplicate paper copies of original registrations.

22 ~~(c) (b)~~ Notwithstanding IC 5-15, a county voter registration office  
23 may dispose of duplicate paper copies of original registrations made  
24 before January 1, 2006, by destroying the duplicate paper copies.

25 SECTION 16. IC 3-7-27-22 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. ~~(a) This section~~  
27 ~~applies before January 1, 2006, to a county whose voter registration~~  
28 ~~records are maintained on a computerized system described by section~~  
29 ~~20 of this chapter. After December 31, 2005, this section applies to all~~  
30 ~~counties.~~

31 ~~(b)~~ Before January 1, 2006, the county voter registration office may  
32 maintain the original affidavits of registration in a secure location  
33 outside of the county voter registration office if:

34 (1) the county maintains a regularly updated copy of the  
35 computerized record as described in section 21(b) of this chapter;  
36 and

37 (2) the original affidavits are not located in the same location as  
38 the updated copy of the computerized record.

39 After December 31, 2005, The county voter registration office may  
40 maintain the original affidavits of registration in a secure location  
41 outside the county voter registration office.

42 SECTION 17. IC 3-7-29-3 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This subsection  
 2 applies before January 1, 2006. When the inspector of a precinct  
 3 procures the ballots and other election supplies for an election, the  
 4 inspector shall also procure from the county voter registration office:  
 5 (1) in a county whose registration records are not maintained on  
 6 a computerized system described by IC 3-7-27-20; the duplicate  
 7 copy of the registration record; or  
 8 (2) in a county with a computerized registration system; the  
 9 certified copies of the registration record of the precinct with the  
 10 information required under section 1 of this chapter;  
 11 and other necessary registration supplies.

12 (b) This subsection applies after December 31, 2005. When the  
 13 inspector of a precinct procures the ballots and other election supplies  
 14 for an election, the inspector shall also procure from the county voter  
 15 registration office the certified copies of the registration record of the  
 16 precinct with the information required under section 1 of this chapter  
 17 and other necessary registration supplies.

18 SECTION 18. IC 3-7-29-4 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This subsection  
 20 applies before January 1, 2006. The county voter registration office in  
 21 a county with a computerized registration system may also provide the  
 22 inspector of each precinct in the county with a certified photocopy of  
 23 the signature on the affidavit of registration of each voter of the  
 24 precinct for the comparison of signatures under IC 3-10-1-24.5 or  
 25 IC 3-11-8-25.

26 (b) This subsection applies after December 31, 2005. The county  
 27 voter registration office may also provide the inspector of each precinct  
 28 in the county with a certified photocopy of the signature on the  
 29 affidavit of registration of each voter of the precinct for the comparison  
 30 of signatures under IC 3-10-1-24.5 IC 3-10-1-24.6 or IC 3-11-8-25.  
 31 **IC 3-11-8-25.1.**

32 SECTION 19. IC 3-7-30-5 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Certain uses of  
 34 information from the statewide voter file are prohibited

- 35 (1) before January 1, 2006, under IC 3-7-26;
- 36 (2) after December 31, 2005, under IC 3-7-26.3.

37 SECTION 20. IC 3-7-30-6 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Certain voter  
 39 registration information in the statewide voter registration file  
 40 maintained by the election division

- 41 (1) under IC 3-7-26 before January 1, 2006; and
- 42 (2) under IC 3-7-26.3 after December 31, 2005;

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1 is confidential.

2 SECTION 21. IC 3-7-32-2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A registration  
4 application must be signed:

- 5 (1) in indelible ink or indelible pencil; or
- 6 (2) ~~after December 31, 2005~~; with an electronic signature in a  
7 manner authorized under IC 3-7-26.3 if submitted to a license  
8 branch under IC 3-7-14.

9 SECTION 22. IC 3-7-32-4, AS AMENDED BY P.L.198-2005,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2006]: Sec. 4. A voter may not submit a registration  
12 application by fax or an electronic transmission except as provided in:

- 13 (1) IC 3-11-4 concerning an absent uniformed services voter or  
14 overseas voter submitting a registration application on the  
15 standard form approved under 42 U.S.C. 1973ff(b); or
- 16 (2) ~~after December 31, 2005~~; IC 3-7-26.3.

17 SECTION 23. IC 3-7-33-4.5 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) Except as  
19 provided in subsection (b), this section applies to an individual who:

- 20 (1) submits an application to register to vote by mail under  
21 IC 3-7-22; and
- 22 (2) has not previously voted in:
  - 23 (A) a general election in Indiana (or a special election for  
24 federal office in Indiana); or
  - 25 (B) a general election (or a special election for federal office)  
26 in the county where the individual has submitted an  
27 application under this chapter if a statewide voter registration  
28 system is not operational in accordance with the requirements  
29 of ~~IC 3-7-26~~ **IC 3-7-26.3** and 42 U.S.C. 15483 on the date the  
30 application is received by the county voter registration office.

31 (b) This section does not apply to an individual who complies with  
32 the requirements in any of the following:

- 33 (1) The individual submits an application to register to vote by  
34 mail under this chapter and includes with that mailing a copy of:
  - 35 (A) a current and valid photo identification; or
  - 36 (B) a current utility bill, bank statement, government check,  
37 paycheck, or government document;
 38 that shows the name and residence address of the voter stated on  
39 the voter registration application.
  - 40 (2) The individual submits an application to register to vote by  
41 mail under this chapter that includes: ~~the individual's~~  
42 (A) **the individual's** Indiana driver's license number; or

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1 (B) **the** last four (4) digits of the individual's Social Security  
 2 number;  
 3 and the county voter registration office or election division  
 4 matches the information submitted by the applicant with an  
 5 existing Indiana identification record bearing the same number,  
 6 name, and date of birth set forth in the voter registration  
 7 application.  
 8 (3) The individual is an absent uniformed services voter or  
 9 overseas voter.  
 10 (4) The individual is entitled to vote other than in person under  
 11 the federal Voting Accessibility for the Elderly and Handicapped  
 12 Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by  
 13 the election division that a permanent or temporarily accessible  
 14 polling place cannot be provided for the individual.  
 15 (5) The individual is entitled to vote other than in person under  
 16 any other federal law.  
 17 (c) When a county voter registration office receives a voter  
 18 registration application by mail, the office shall determine whether the  
 19 applicant is subject to the requirements to provide additional  
 20 documentation under this section and 42 U.S.C. 15483.  
 21 (d) As required by 42 U.S.C. 15483, a county voter registration  
 22 office shall administer the requirements of this section in a uniform and  
 23 nondiscriminatory manner.  
 24 (e) If the county voter registration office determines that the  
 25 applicant:  
 26 (1) is not required to submit additional documentation under this  
 27 section; or  
 28 (2) has provided the documentation required under this section;  
 29 the county voter registration office shall process the application in  
 30 accordance with section 5 of this chapter.  
 31 (f) If the county voter registration office determines that the  
 32 applicant is required to submit additional documentation under this  
 33 section and 42 U.S.C. 15483, the office shall process the application  
 34 under section 5 of this chapter and, if the applicant is otherwise eligible  
 35 to vote, add the information concerning this documentation to the  
 36 voter's computerized registration entry under ~~IC 3-7-27-20(c)~~.  
 37 **IC 3-7-27-20.2.**  
 38 (g) The county voter registration office shall remove the notation  
 39 described in subsection (f) after the voter votes in an election for a  
 40 federal office.

41 SECTION 24. IC 3-7-34-5 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) If a registration

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1 form contains all of the information required to be supplied by the  
2 voter, but does not include the information required to be supplied by  
3 the bureau of motor vehicles commission or a voter registration agency,  
4 the county voter registration office shall promptly make one (1) effort  
5 to contact the officer, commission, or agency to obtain the information.

6 (b) ~~This subsection applies after December 31, 2005.~~ If the  
7 information is not obtained from the officer, commission, or agency  
8 under subsection (a) not later than seven (7) days after the county voter  
9 registration office provides the notice, the county voter registration  
10 office shall notify the NVRA official. The NVRA official shall contact  
11 the officer, commission, or agency to request that the information be  
12 provided to the county voter registration office or that the officer,  
13 commission, or agency file a statement with the county voter  
14 registration office indicating why the information is not available.

15 SECTION 25. IC 3-7-34-12 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. ~~(a) This subsection~~  
17 ~~applies before January 1, 2006. If the registration form is not~~  
18 ~~compatible with the county's voter registration system, the county voter~~  
19 ~~registration office may reproduce the form for the county's system and~~  
20 ~~retain the original form to document the registration.~~

21 ~~(b) This subsection applies after December 31, 2005.~~ If the  
22 registration form is not compatible with the county's voter registration  
23 files of original voter registration affidavits, the county voter  
24 registration office may reproduce the form for the county's system and  
25 retain the original form to document the registration.

26 SECTION 26. IC 3-7-35-2.1 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. ~~(a) This section~~  
28 ~~applies after December 31, 2005.~~

29 ~~(b)~~ The county voter registration office shall generate a poll list for  
30 the precinct where the voter resides that does not include the name of  
31 a voter unless the voter will be:

- 32 (1) at least eighteen (18) years of age when the election is  
33 conducted; or
- 34 (2) eligible to vote in the election under this article.

35 SECTION 27. IC 3-7-35-3.1 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.1. ~~(a) This section~~  
37 ~~applies after December 31, 2005.~~

38 ~~(b)~~ The county voter registration office shall generate information  
39 to be used in the compilation of a jury list that does not include the  
40 name of a voter unless the voter will be at least eighteen (18) years of  
41 age when the jury is empaneled.

42 SECTION 28. IC 3-7-38.2-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A voter list  
 2 maintenance program conducted under this chapter ~~or before January~~  
 3 ~~1, 2006, IC 3-7-38.1~~ must: ~~be:~~

4 (1) ~~be~~ uniform, nondiscriminatory, and in compliance with the  
 5 Voting Rights Act of 1965 (42 U.S.C. 1973);  
 6 (2) not result in the removal of the name of a person from the  
 7 official list of votes solely due to the person's failure to vote; and  
 8 (3) ~~be~~ completed not later than ninety (90) days before a primary,  
 9 general, or municipal election.

10 (b) A county voter registration office may conduct a voter list  
 11 maintenance program that complies with subsection (a). In conducting  
 12 a voter list maintenance program, the county voter registration office  
 13 shall mail a notice described in subsection (d) to each registered voter  
 14 at the residence address:

15 (1) listed in the voter's registration record; and  
 16 (2) determined by the county voter registration office not to be the  
 17 voter's current residence address.

18 (c) A county voter registration office may use information only from  
 19 the following sources to make the determination under subsection  
 20 (b)(2):

21 (1) The United States Postal Service National Change of Address  
 22 Service.  
 23 (2) A court regarding jury duty notices.  
 24 (3) The return of a mailing sent by the county voter registration  
 25 office to all voters in the county.  
 26 (4) The bureau of motor vehicles concerning the surrender of a  
 27 voter's Indiana license for the operation of a motor vehicle to  
 28 another jurisdiction.

29 (d) The notice described in subsection (b) must:

30 (1) be sent by first class United States mail, postage prepaid, by  
 31 a method that requires the notice to be forwarded to the voter; and  
 32 (2) include a postage prepaid return card that:

33 (A) is addressed to the county voter registration office;  
 34 (B) states a date by which the card must be returned or the  
 35 voter's registration will become inactive until the information  
 36 is provided to the county voter registration office; and  
 37 (C) permits the voter to provide the voter's current residence  
 38 address.

39 (e) If a voter returns the card described in subsection (d)(2) and  
 40 provides a current residence address that establishes that the voter  
 41 resides:

42 (1) in the county, the county voter registration office shall update

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1 the voter's registration record; or  
 2 (2) outside the county, the county voter registration office shall  
 3 cancel the voter's registration.  
 4 (f) If a voter does not return the card described in subsection (d)(2)  
 5 by the date specified in subsection (d)(2)(B), the county voter  
 6 registration office shall indicate in the voter's registration record that  
 7 the voter's registration is inactive.  
 8 (g) A voter's registration that becomes inactive under subsection (f)  
 9 remains in inactive status from the date described in subsection  
 10 (d)(2)(B) until the earlier of the following:  
 11 (1) The date the county voter registration office updates or  
 12 cancels the voter's registration under subsection (e) after the voter  
 13 provides a current residence address.  
 14 (2) The day after the second general election in which the voter  
 15 has not voted or appeared to vote.  
 16 (h) After the date described in subsection (g)(2), the county voter  
 17 registration office shall remove the voter's registration from the voter  
 18 registration records.  
 19 SECTION 29. IC 3-7-38.2-3 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As provided under  
 21 42 U.S.C. 1973gg-6(c)(2)(B)(i), this chapter ~~and before January 1,~~  
 22 ~~2006; IC 3-7-38.1 to~~ **does** not prevent the removal of a voter's name  
 23 from the voter registration record during the final ninety (90) day  
 24 period before a primary, general, or municipal election due to any of  
 25 the following in accordance with this article:  
 26 (1) The written request of the voter.  
 27 (2) Disenfranchisement due to criminal conviction and  
 28 incarceration.  
 29 (3) The death of the voter.  
 30 SECTION 30. IC 3-7-38.2-4 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As provided under  
 32 42 U.S.C. 1973gg-6(c)(2)(B)(ii), this chapter ~~and before January 1,~~  
 33 ~~2006; IC 3-7-38.1 to~~ **does** not prevent the correction of voter  
 34 registration records under this article.  
 35 SECTION 31. IC 3-7-38.2-5 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. To assist in  
 37 performing voter list maintenance under this chapter, ~~and before~~  
 38 ~~January 1, 2006; to supplement the duplicate voter registration~~  
 39 ~~elimination program under IC 3-7-38.1,~~ the NVRA official may submit  
 40 the names of all registered voters in Indiana to the United States Postal  
 41 Service National Change of Address Service. The submission under  
 42 this chapter shall be compiled from the county voter registration

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1 information submitted to the election division under

2 (1) ~~IC 3-7-26 before January 1, 2006; and~~

3 (2) ~~IC 3-7-26.3. after December 31, 2005.~~

4 SECTION 32. IC 3-7-40-4 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) ~~This subsection~~  
6 ~~applies before January 1, 2006. One (1) time each calendar year the~~  
7 ~~NVRA official may submit to the United States Postal Service a list of~~  
8 ~~the names and addresses of voters with rural route addresses.~~

9 (b) ~~This subsection applies after December 31, 2005. The NVRA~~  
10 ~~official may submit to the United States Postal Service a list of the~~  
11 ~~names and addresses of voters with rural route addresses.~~

12 SECTION 33. IC 3-7-40-6 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) ~~This subsection~~  
14 ~~applies before January 1, 2006. When notified by the NVRA official of~~  
15 ~~a conversion from rural route addresses to numbered addresses under~~  
16 ~~this chapter, the county voter registration office shall, as soon as~~  
17 ~~practicable, do the following:~~

18 (1) ~~Draw a red line through the rural route address appearing on~~  
19 ~~the affidavit or form of registration and write the numbered~~  
20 ~~address that replaces the rural route address on the affidavit or~~  
21 ~~form.~~

22 (2) ~~Make an appropriate entry in each computerized record for the~~  
23 ~~precinct.~~

24 (b) ~~This subsection applies after December 31, 2005. When notified~~  
25 ~~by the NVRA official of a conversion from rural route addresses to~~  
26 ~~numbered addresses under this chapter, the county voter registration~~  
27 ~~office shall, as soon as practicable, amend:~~

28 (1) ~~the original affidavit filed by the voter to indicate the~~  
29 ~~numbered address that replaces the rural route address on the~~  
30 ~~affidavit; and~~

31 (2) ~~the entry for the voter in the computerized list under~~  
32 ~~IC 3-7-26.3.~~

33 SECTION 34. IC 3-7-41-2 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The statement  
35 described in section 1 of this chapter may be filed with the county voter  
36 registration office at any time. A voter who wishes to indicate that the  
37 voter's name has changed may also write the necessary information  
38 concerning the name change on the poll list under ~~IC 3-11-8-25~~  
39 **IC 3-11-8-25.1** before the person receives a ballot. The person may  
40 then vote if otherwise qualified.

41 SECTION 35. IC 3-7-42-4 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) ~~This subsection~~

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1 applies before January 1, 2006. At the time of transfer, the county voter  
2 registration office shall draw a red line through the name or number of  
3 the precinct appearing on the affidavit or form of registration and shall  
4 write the name or number of the precinct to which the voter has been  
5 transferred and make an appropriate entry in the computerized record  
6 for the precinct.

7 (b) This subsection applies after December 31, 2005. At the time of  
8 transfer, the county voter registration office shall amend:

9 (1) the original affidavit filed by the voter to indicate the changed  
10 mailing address, street name, or residence number on the  
11 affidavit; and

12 (2) the entry for the voter in the computerized list under  
13 IC 3-7-26.3.

14 SECTION 36. IC 3-7-43-6 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) This section  
16 applies to a voter who requests a cancellation of voter registration  
17 under IC 3-7-39-6.

18 (b) This subsection applies before January 1, 2006. The county voter  
19 registration office of the county in which a voter registers shall send the  
20 authorization of cancellation to the county voter registration office of  
21 the counties of previous residence within fifteen (15) days after receipt  
22 of the authorization. However, all authorizations shall be sent to the  
23 county voter registration office not later than the fifteenth day before  
24 the date on which an election will be held.

25 (c) This subsection applies after December 31, 2005. (b) The county  
26 voter registration office of the county in which a voter registers shall  
27 send the authorization of cancellation to the county voter registration  
28 office on an expedited basis, as required by IC 3-7-26.3.

29 SECTION 37. IC 3-7-43-7 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) This subsection  
31 applies before January 1, 2006. The county voter registration office  
32 shall remove the affidavit of the voter from the registration record of  
33 the county and shall cancel the affidavit of registration by writing the  
34 word "canceled" and the date of the cancellation across the face of the  
35 affidavit and entering the cancellation in any computerized record.

36 (b) This subsection applies after December 31, 2005. The county  
37 voter registration office shall cancel the affidavit of registration and  
38 enter the date and other information concerning the cancellation in the  
39 computerized list under IC 3-7-26.3.

40 SECTION 38. IC 3-7-43-8 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This subsection  
42 applies before January 1, 2006. If either of the addresses given by a

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1 person under IC 3-7-39 is outside Indiana, the county voter registration  
 2 office shall, not later than fifteen (15) days after receipt, send the  
 3 authorization of cancellation to the election division.

4 (b) This section applies after December 31, 2005. (a) If either of the  
 5 addresses given by a person under IC 3-7-39 is outside Indiana, the  
 6 county voter registration office shall send the authorization of  
 7 cancellation to the election division on an expedited basis.

8 (c) (b) The election division shall promptly send the authorization  
 9 to the voter registration office of the political subdivision that has  
 10 jurisdiction over the address.

11 SECTION 39. IC 3-7-45-2.1 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) This section  
 13 applies after December 31, 2005.

14 (b) (a) As required under 42 U.S.C. 15483, the election division  
 15 shall coordinate the computerized list generated by the statewide voter  
 16 registration system under IC 3-7-26.3 with the state department of  
 17 health to permit a county voter registration office to cancel the  
 18 registration records of deceased individuals on an expedited basis.

19 (c) (b) The state department of health shall report to the election  
 20 division, by county, the names, ages, and known residence addresses  
 21 of all persons who:

- 22 (1) died within Indiana but outside the county of residence; and
- 23 (2) maintained a residence address within the county during the
- 24 two (2) years preceding the date of death.

25 (d) (c) Each county health officer and municipal health officer shall  
 26 report to the state department of health the names, ages, and known  
 27 voting addresses in the county of all persons:

- 28 (1) who have died within the jurisdiction of the officer; or
- 29 (2) for whom burial permits have been issued by the officer.

30 The state department of health shall report this information to the  
 31 election division.

32 (e) (d) The state department of health shall report to the election  
 33 division, by county, the names, ages, and known residence addresses  
 34 of all persons:

- 35 (1) who died outside Indiana;
- 36 (2) who maintained a residence address within the county during
- 37 the two (2) years preceding the date of death; and
- 38 (3) whose names were supplied to the state department of health
- 39 under an agreement made under section 5 of this chapter.

40 SECTION 40. IC 3-7-45-3 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This subsection  
 42 applies before January 1, 2006. Not later than thirty (30) days after

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1 receipt of the reports required by section 2 of this chapter, each county  
2 voter registration office shall cancel the registration of each deceased  
3 person listed in the reports:

4 (b) This subsection applies after December 31, 2005. As required  
5 by 42 U.S.C. 15483, after receipt of the reports required by section 2  
6 section 2.1 of this chapter, each county voter registration office shall  
7 cancel the registration of each deceased person listed in the reports.

8 SECTION 41. IC 3-7-45-4 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This subsection  
10 applies before January 1, 2006. Except as provided in subsection (c),  
11 a county voter registration office shall cancel the registration of a  
12 deceased person not later than thirty (30) days after receiving a copy of  
13 the deceased person's death certificate:

14 (b) This subsection applies after December 31, 2005. (a) Except as  
15 provided in subsection (e), (b), a county voter registration office shall  
16 cancel the registration of a deceased person after receiving a copy of  
17 the deceased person's death certificate on an expedited basis, as  
18 required under 42 U.S.C. 15483. The county voter registration office  
19 shall enter the date and other information regarding the cancellation  
20 into the computerized list under IC 3-7-26.3.

21 (c) (b) A county voter registration office may require additional  
22 written information before canceling the registration of a person under  
23 subsection (a) or (b) if the information contained in the death certificate  
24 is insufficient to identify the person whose registration is to be  
25 canceled. If:

- 26 (1) additional written information is not given to the county voter  
27 registration office; or
- 28 (2) the additional written information is insufficient to identify the  
29 person whose registration is to be canceled;

30 the county voter registration office is not required to cancel the person's  
31 registration. ~~under subsection (a):~~

32 SECTION 42. IC 3-7-45-5 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The state  
34 department of health shall negotiate with appropriate agencies in each  
35 state other than Indiana to acquire information regarding the deaths of  
36 Indiana residents occurring in each of the other states. The state  
37 department of health may offer to share with each other state  
38 information regarding the deaths of the other state's residents in  
39 Indiana.

40 (b) If an agreement is made with the agency of another state under  
41 this section, the agreement must provide for acquisition of information  
42 about the deaths of Indiana residents in the other state so that the state

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1 department of health can forward that information as provided in  
2 ~~section 2~~ or section 2.1 of this chapter.

3 SECTION 43. IC 3-7-45-6.1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. ~~(a) This section~~  
5 ~~applies after December 31, 2005.~~

6 ~~(b)~~ (a) The election division shall obtain information regarding  
7 Indiana residents identified as deceased by the federal Social Security  
8 Administration as required by 42 U.S.C. 15483 and in conformity with  
9 IC 3-7-26.3.

10 ~~(c)~~ (b) The election division shall provide each county voter  
11 registration office with a report identifying the deceased individuals  
12 who are shown as residing in the county.

13 ~~(d)~~ (c) Except as provided in section 7 of this chapter, the county  
14 voter registration office shall cancel the registration of each deceased  
15 person listed in the report provided under subsection ~~(e)~~: (b).

16 SECTION 44. IC 3-7-46-4.1 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.1. ~~(a) This section~~  
18 ~~applies after December 31, 2005.~~

19 ~~(b)~~ (a) As required under 42 U.S.C. 15483, the election division  
20 shall coordinate the computerized list generated by the statewide voter  
21 registration system under IC 3-7-26.3 with the department of correction  
22 to permit a county voter registration office to cancel the registration  
23 records of disfranchised individuals on an expedited basis.

24 ~~(c)~~ (b) The department of correction shall provide the NVRA  
25 official with a list identifying each person who:

- 26 (1) is a resident of Indiana;
- 27 (2) has been convicted of a crime; and
- 28 (3) has been placed in a department of correction facility during  
29 the previous month.

30 ~~(d)~~ (c) The department of correction shall provide the information  
31 required by this section electronically in a format prescribed by the  
32 election division.

33 SECTION 45. IC 3-7-46-7.5 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. If the information  
35 provided under section 5 or 6 of this chapter indicates that the person  
36 is disfranchised under section 2 of this chapter, the county voter  
37 registration office shall:

- 38 (1) remove the name of the person from the voter registration  
39 records; and
- 40 (2) ~~after January 1, 2006~~, enter the date and other information  
41 regarding the cancellation into the computerized list under  
42 IC 3-7-26.3;

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1 on an expedited basis, as required under 42 U.S.C. 15483.

2 SECTION 46. IC 3-7-46-8 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This subsection  
4 applies before January 1, 2006. On the last day of each month, each  
5 county voter registration office shall prepare a list of the names and last  
6 known addresses of all persons within the county who have been  
7 disfranchised. The county voter registration office may secure the list  
8 at any time, but not later than the twenty-ninth day before a primary,  
9 general, or municipal election.

10 (b) This subsection applies after December 31, 2005. Each county  
11 voter registration office shall prepare a notice to be mailed to the names  
12 and last known addresses of all persons within the county who have  
13 been disfranchised.

14 SECTION 47. IC 3-7-46-9 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This subsection  
16 applies before January 1, 2006. Not later than thirty (30) days after  
17 preparation of the list under section 8 of this chapter, the circuit court  
18 clerk or board of registration shall send a notice to each alleged  
19 disfranchised person at the person's last known address using a form  
20 prescribed by the commission under this article.

21 (b) This subsection applies after December 31, 2005. After  
22 preparation of the notice under section 8 of this chapter, the county  
23 voter registration office shall mail the notice to the alleged  
24 disfranchised person not later than the day following the day that the  
25 voter's registration has been canceled under this chapter. The notice  
26 must be mailed to each alleged disfranchised person at the person's last  
27 known address using a form prescribed by the commission under this  
28 article.

29 SECTION 48. IC 3-7-48-7 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A voter shall be  
31 permitted to vote in a precinct upon written affirmation of the voter's  
32 residence in the precinct if:

- 33 (1) the voter produces a registration receipt indicating that the
- 34 voter completed a registration form at a license branch or voter
- 35 registration agency under this article on a date within the
- 36 registration period;
- 37 (2) the county voter registration office advises the precinct
- 38 election board that the office:
  - 39 (A) approved the application; or
  - 40 (B) has no record of either approving or rejecting the
  - 41 application; and
- 42 (3) the voter completes a registration application form and

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1 provides the completed form to the precinct election board before  
2 voting.

3 (b) A county election board shall provide each precinct election  
4 board with a sufficient number of the registration forms for the  
5 purposes described in subsection (a). The precinct election board shall  
6 attach the completed registration forms to the poll list for processing by  
7 the county voter registration office under ~~IC 3-10-1-31~~. **IC 3-10-1-31.1.**

8 SECTION 49. IC 3-8-2-11, AS AMENDED BY P.L.230-2005,  
9 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2006]: Sec. 11. (a) A declaration of candidacy may be made  
11 by mail and is considered filed as of the date and hour the filing occurs  
12 in the manner described by IC 3-5-2-24.5 in the office of the election  
13 division or circuit court clerk.

14 (b) A declaration is not valid unless ~~received~~ **filed** in the office of  
15 the election division or circuit court clerk by noon on the  
16 seventy-fourth day before a primary election.

17 (c) This subsection applies to a candidate required to file a  
18 statement of economic interest under IC 2-2.1-3-2 or IC 33-23-11-15  
19 or a financial disclosure statement under IC 4-2-6-8. The election  
20 division shall require the candidate to produce a:

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

23 (2) receipt showing that the statement has been filed;  
24 before the election division accepts the declaration for filing. The  
25 election division shall reject a filing that does not comply with this  
26 subsection.

27 SECTION 50. IC 3-9-1-1.5 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) This section

29 ~~(1) applies after December 31, 2004; and~~

30 ~~(2) does not apply to a national committee of a political party.~~

31 (b) For purposes of determining the deadline for filing a statement  
32 of organization under section 3 of this chapter, a committee becomes  
33 a regular party committee when the committee accepts contributions or  
34 makes expenditures during a calendar year:

35 (1) to influence the election of a candidate for state, legislative, or  
36 local office; and

37 (2) that total more than one hundred dollars (\$100).

38 SECTION 51. IC 3-9-4-4, AS AMENDED BY P.L.221-2005,  
39 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2006]: Sec. 4. (a) The election division shall develop a filing  
41 and coding system consistent with the purposes of this article. The  
42 election division and each county election board shall use the filing and

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1 coding system. The coding system must provide:  
 2 (1) not more than ten (10) codes to account for various campaign  
 3 expenditure items; and  
 4 (2) a clear explanation of the kinds of expenditure items that must  
 5 be accounted for under each code.  
 6 (b) The election division shall develop and use a computer system  
 7 to store campaign finance reports required to be filed under IC 3-9-5-6,  
 8 IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the  
 9 election division to do the following:  
 10 (1) Identify all candidates or committees that received  
 11 contributions from a contributor over the past three (3) years.  
 12 (2) Identify all contributors to a candidate or committee over the  
 13 past three (3) years.  
 14 (3) Provide for electronic submission, retrieval, storage, and  
 15 disclosure of campaign finance reports of candidates for the  
 16 following:  
 17 (A) Legislative office.  
 18 (B) State office.  
 19 The election division shall provide training at no cost to  
 20 candidates to enable candidates described in this subdivision to  
 21 file campaign finance reports electronically.  
 22 (c) The election division shall notify each candidate's committee  
 23 that the election division will provide at the committee's request at no  
 24 cost a standardized software program to permit the committee to install  
 25 the software on a computer and generate an electronic version of the  
 26 reports and statements required to be filed with the election division  
 27 under this article. However, the election division is not required to  
 28 provide or alter the software program to make the program compatible  
 29 for installation or operation on a specific computer.  
 30 (d) This subsection applies ~~after December 31, 2005,~~ to the  
 31 following committees:  
 32 (1) A committee for a candidate seeking election to a state office.  
 33 (2) A political action committee that has received more than fifty  
 34 thousand dollars (\$50,000) in contributions since the close of the  
 35 previous reporting period.  
 36 The committee must file electronically the report or statement required  
 37 under this article with the election division using a standardized  
 38 software program supplied to the committee without charge under  
 39 subsection (c) or another format approved by the election division. An  
 40 electronic filing approved by the election division under this subsection  
 41 may not require manual reentry into a computer system of the data  
 42 contained in the report or statement in order to make the data available

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to the general public under subsection (g).

(e) This subsection applies to an electronic submission under subsection (b)(3). An electronic submission must be in a format previously approved by the commission that permits the election division to print out a hard copy of the report after the receipt of the electronic submission from the candidate. Filing of a report occurs under IC 3-5-2-24.5 on the date and at the time electronically recorded by the election division's computer system. If a discrepancy exists between the text of the electronic submission and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(f) The election division is not required to accept an electronic submission unless the submission complies with subsection (b)(3). Upon receiving approval from the commission, the election division may accept an electronic submission from candidates, committees, or persons described in subsection (b)(3).

(g) The election division shall make campaign finance reports stored on the computer system under subsection (b) available to the general public through an on-line service.

SECTION 52. IC 3-10-1-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.1. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ (a) Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

~~(c)~~ (b) The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

~~(d)~~ (c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 53. IC 3-10-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. ~~(a) This subsection applies before January 1, 2004. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record or on the certified copy of the registration record in a county with a computerized registration system may vote if the circuit court clerk or board of registration provides a signed certificate of error under IC 3-7-48 showing that the person is~~

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a registered voter of the precinct.

~~(b)~~ This subsection applies after December 31, 2003. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record of the precinct or on the certified copy of the registration record prepared under IC 3-7-29 may:

- (1) vote if the county voter registration office provides a signed certificate of error; or
- (2) cast a provisional ballot under IC 3-11.7, as provided by 42 U.S.C. 15482.

SECTION 54. IC 3-10-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10.5. ~~(a)~~ This section applies after December 31, 2003.

~~(b)~~ (a) This section does not apply to a voter who is challenged under section 10 of this chapter on the basis of party affiliation.

~~(c)~~ (b) In accordance with 42 U.S.C. 15482, a voter challenged under this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 9 of this chapter.

SECTION 55. IC 3-10-1-15, AS AMENDED BY P.L.58-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) Each political party holding a primary election shall have a separate ticket, either in printed ballot form as prescribed by sections 13 and 14.1 of this chapter, or on separate ballot cards or ballot labels.

(b) Except as provided in subsection (c), ~~or (d)~~, the name of each candidate who has qualified under IC 3-8 shall be placed on the ballot under a designation of the office for which the person is a candidate.

~~(c)~~ This subsection applies to a punch card ballot and expires December 31, 2005. The name of each candidate who has qualified under IC 3-8 shall be placed on the ballot and indicated by reference to a number printed on the punch card.

~~(d)~~ (c) This subsection applies to an optical scan ballot card voting system that does not list the name of a candidate on the ballot card. The name of each candidate who has qualified under IC 3-8 shall be placed on the ballot and indicated by reference to a number printed on the optical scan ballot card.

~~(e)~~ (d) The name of a candidate may not appear on the ballot of more than one (1) party for the same office.

SECTION 56. IC 3-10-1-19, AS AMENDED BY P.L.221-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which

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1 candidates have qualified under IC 3-8:

2 OFFICIAL PRIMARY BALLOT

3 \_\_\_\_\_ Party

4 For paper ballots, print: To vote for a person, make a voting mark  
5 (X or ✓) on or in the box before the person's name in the proper  
6 column. For punch card ballots, print: To vote for a person, punch  
7 through the chad before the number assigned to the person's name in  
8 the proper column. For optical scan ballots, print: To vote for a person,  
9 darken or shade in the circle, oval, or square (or draw a line to connect  
10 the arrow) that precedes the person's name in the proper column. For  
11 optical scan ballots that do not contain a candidate's name, print: To  
12 vote for a person, darken or shade in the oval that precedes the number  
13 assigned to the person's name in the proper column. For electronic  
14 voting systems, print: To vote for a person, touch the screen (or press  
15 the button) in the location indicated.

16 Vote for one (1) only

17 Representative in Congress

18  (1) AB \_\_\_\_\_

19  (2) CD \_\_\_\_\_

20  (3) EF \_\_\_\_\_

21  (4) GH \_\_\_\_\_

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

24 (1) Federal and state offices:

25 (A) President of the United States.

26 (B) United States Senator.

27 (C) Governor.

28 (D) United States Representative.

29 (2) Legislative offices:

30 (A) State senator.

31 (B) State representative.

32 (3) Circuit offices and county judicial offices:

33 (A) Judge of the circuit court, and unless otherwise specified  
34 under IC 33, with each division separate if there is more than  
35 one (1) judge of the circuit court.

36 (B) Judge of the superior court, and unless otherwise specified  
37 under IC 33, with each division separate if there is more than  
38 one (1) judge of the superior court.

39 (C) Judge of the probate court.

40 (D) Judge of the county court, with each division separate, as  
41 required by IC 33-30-3-3.

42 (E) Prosecuting attorney.

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- 1 (F) Circuit court clerk.
- 2 (4) County offices:
- 3 (A) County auditor.
- 4 (B) County recorder.
- 5 (C) County treasurer.
- 6 (D) County sheriff.
- 7 (E) County coroner.
- 8 (F) County surveyor.
- 9 (G) County assessor.
- 10 (H) County commissioner.
- 11 (I) County council member.
- 12 (5) Township offices:
- 13 (A) Township assessor.
- 14 (B) Township trustee.
- 15 (C) Township board member.
- 16 (D) Judge of the small claims court.
- 17 (E) Constable of the small claims court.
- 18 (6) City offices:
- 19 (A) Mayor.
- 20 (B) Clerk or clerk-treasurer.
- 21 (C) Judge of the city court.
- 22 (D) City-county council member or common council member.
- 23 (7) Town offices:
- 24 (A) Clerk-treasurer.
- 25 (B) Judge of the town court.
- 26 (C) Town council member.
- 27 (c) The political party offices with candidates for election shall be
- 28 placed on the primary election ballot in the following order after the
- 29 offices described in subsection (b):
- 30 (1) Precinct committeeman.
- 31 (2) State convention delegate.
- 32 (d) The following offices and public questions shall be placed on the
- 33 primary election ballot in the following order after the offices described
- 34 in subsection (c):
- 35 (1) School board offices to be elected at the primary election.
- 36 (2) Other local offices to be elected at the primary election.
- 37 (3) Local public questions.
- 38 (e) The offices and public questions described in subsection (d)
- 39 shall be placed:
- 40 (1) in a separate column on the ballot if voting is by paper ballot;
- 41 (2) after the offices described in subsection (c) in the form
- 42 specified in IC 3-11-13-11 if voting is by ballot card; or

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1 (3) either:

2 (A) on a separate screen for each office or public question; or

3 (B) after the offices described in subsection (c) in the form  
4 specified in IC 3-11-14-3.5;

5 if voting is by an electronic voting system.

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

8 (The explanatory text for the public question,  
9 if required by law.)

10 "Shall (insert public question)?"

11  YES

12  NO

13 SECTION 57. IC 3-10-1-24 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) A voter who  
15 desires to vote must give the voter's name and political party to the poll  
16 clerks of the precinct on primary election day. The poll clerks shall  
17 require the voter to write the following on the poll list:

18 (1) The voter's name.

19 (2) Except as provided in subsection (d), the voter's current  
20 residence address.

21 (3) The name of the voter's party.

22 (b) The poll clerks shall:

23 (1) ask the voter to provide or update the voter's voter  
24 identification number;

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

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

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

33 (d) ~~After December 31, 2005~~; Each line on a poll list sheet provided  
34 to take a voter's current residence address must include a box under the  
35 heading "Address Unchanged" so that a voter whose residence address  
36 shown on the poll list is the voter's current residence address may  
37 check the box instead of writing the voter's current residence address  
38 on the poll list.

39 SECTION 58. IC 3-10-1-24.6 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24.6. ~~(a) This section~~  
41 ~~applies after December 31, 2005.~~

42 ~~(b)~~ (a) In case of doubt concerning a voter's identity, the precinct

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1 election board shall compare the voter's signature with the signature on  
2 the affidavit of registration or any certified copy of the signature  
3 provided under ~~section 7~~ **section 7.1** of this chapter. If the board  
4 determines that the voter's signature is authentic, the voter may then  
5 vote.

6 ~~(c)~~ **(b)** If either poll clerk doubts the voter's identity following the  
7 comparison of the signatures, the poll clerk shall challenge the voter in  
8 the manner prescribed by IC 3-11-8. If the poll clerk does not execute  
9 a challenger's affidavit under IC 3-11-8-21 or if the voter executes a  
10 challenged voter's affidavit under IC 3-11-8-22, the voter may then  
11 vote.

12 SECTION 59. IC 3-10-7-2 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. **(a) The county  
14 election board shall conduct elections in towns for town offices or  
15 on public questions submitted to the voters of the town if the town  
16 office or public question will be placed on the ballot during a  
17 general election year.**

18 **(b) This subsection applies in a year in which a general election  
19 is not scheduled to be conducted.** Except as provided in sections 4, 5,  
20 and 5.5 of this chapter, the town election board established under this  
21 chapter shall conduct **municipal or special** elections ~~for town offices  
22 that do not coincide with a general election: in towns subject to this  
23 chapter.~~

24 SECTION 60. IC 3-10-8-1 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A special election  
26 shall be held in the following cases:

- 27 (1) Whenever two (2) or more candidates for a federal, state,  
28 legislative, circuit, or school board office receive the highest and  
29 an equal number of votes for the office, except as provided in  
30 Article 5, Section 5 of the Constitution of the State of Indiana or  
31 in IC 20.
- 32 (2) Whenever a vacancy occurs in the office of United States  
33 Senator, as provided in IC 3-13-3-1.
- 34 (3) Whenever a vacancy occurs in the office of United States  
35 Representative unless the vacancy occurs less than thirty (30)  
36 days before a general election.
- 37 (4) Whenever a vacancy occurs in any local office the filling of  
38 which is not otherwise provided by law.
- 39 (5) Whenever required by law for a public question.
- 40 (6) Whenever ordered by a court under IC 3-12-8-17 or the state  
41 recount commission under IC 3-12-11-18.
- 42 **(7) Whenever required under IC 3-13-5 to fill a vacancy in a**

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**legislative office unless the vacancy occurs less than thirty (30) days before a general election.**

SECTION 61. IC 3-10-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. An affidavit executed under this chapter must contain the following information:

- (1) The person's last, first, and middle name, in that order.
- (2) The person's birthplace and date of birth.
- (3) Whether the person is a United States citizen.
- (4) The person's current address, including the county. If the person resides in a municipality, the address must include the street address, including apartment number or other designation, or the name and room number of the hotel or lodging house. If the person does not reside in a municipality, the address must include the mailing address and the street or road.
- (5) The address of the person's previous residence, including the county.
- (6) The person's statement that the person satisfies the conditions set forth in section 2 of this chapter.
- (7) ~~After December 31, 2005,~~ The person's voter identification number to permit transfer of the registration under IC 3-7-13-13.

SECTION 62. IC 3-10-12-3.5, AS AMENDED BY P.L.230-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. ~~After December 31, 2005,~~ The written affirmation described in section 3.4 of this chapter must include the person's voter identification number to permit transfer of the registration under IC 3-7-13-13.

SECTION 63. IC 3-11-1.5-27, AS AMENDED BY P.L.221-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: 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 64. IC 3-11-1.5-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. The county executive shall file

- (~~1~~) one (1) copy of the order approved under ~~section 26~~ of this chapter with ~~the circuit court clerk or board of registration;~~ and
- (~~2~~) one (~~1~~) copy of the notice published under section 27 of this chapter with the co-directors;

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1 ~~no~~ **each of the following not** later than forty-five (45) days after the  
 2 notice is published under section 27 of this chapter:

3 **(1) The circuit court clerk or board of registration.**

4 **(2) The county auditor.**

5 SECTION 65. IC 3-11-2-0.5, AS ADDED BY P.L.58-2005,  
 6 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2006]: Sec. 0.5. (a) This chapter applies only to paper ballots.

8 (b) This chapter does not apply to:

9 (1) an electronic voting system; or

10 (2) an optical scan voting system.

11 ~~(c) This chapter does not apply to a punch card ballot voting system.  
 12 This subsection expires December 31, 2005.~~

13 SECTION 66. IC 3-11-2-2.1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. ~~(a) This section  
 15 applies after December 31, 2004.~~

16 ~~(b)~~ Each county election board shall have the:

17 (1) names of all candidates for election to offices or retention in  
 18 offices; and

19 (2) state and local public questions;

20 in election districts wholly or partially within the county printed on a  
 21 ballot as provided in this chapter. The county may print all offices on  
 22 a single ballot under this section.

23 SECTION 67. IC 3-11-2-12.7 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12.7. (a) This section  
 25 applies to candidates for election to at-large seats on the fiscal or  
 26 legislative body of a political subdivision.

27 (b) Candidates shall be listed in alphabetical order according to  
 28 surname within each row or column on the ballot.

29 (c) In each row or column on the ballot in which the names of  
 30 candidates appear, the ballot shall contain a statement reading  
 31 substantially as follows above the name of the first candidate: "Vote for  
 32 not more than (insert number of candidates to be elected) candidates of  
 33 ~~ANY party or ticket~~ for this office."

34 (d) If more than one (1) candidate for an at-large seat was  
 35 nominated by the same petition of nomination, these candidates shall  
 36 be listed in alphabetical order by surname within the same row or  
 37 column on the ballot, with the position of the row or column being  
 38 determined under section 6 of this chapter.

39 SECTION 68. IC 3-11-3-16 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. ~~(a) This subsection  
 41 applies before January 1, 2006. Each county election board shall  
 42 prepare and have delivered to the inspectors of the precincts, at the~~

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1 time they receive the ballots for their precincts, a suitable number of  
2 blank poll list sheets and any other forms, papers, certificates, and  
3 oaths that are required to be furnished to precinct election boards. The  
4 forms and papers must have proper captions. The county voter  
5 registration office shall cooperate with the county election board in the  
6 preparation of the poll lists.

7 (b) This subsection applies after ~~December 31, 2005~~. Each county  
8 election board shall prepare and have delivered to the inspectors of the  
9 precincts, at the time they receive the ballots for their precincts, a  
10 suitable number of voter registration lists certified under IC 3-7-29 and  
11 any other forms, papers, certificates, and oaths that are required to be  
12 furnished to precinct election boards. The forms and papers must be  
13 prepared in compliance with IC 3-5-4-8. The county voter registration  
14 office shall cooperate with the county election board in the preparation  
15 of the lists certified under IC 3-7-29.

16 SECTION 69. IC 3-11-4-17.5, AS AMENDED BY P.L.103-2005,  
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2006]: Sec. 17.5. (a) Upon receiving an application for an  
19 absentee ballot, the county election board (or the absentee voter board  
20 in the office of the circuit court clerk) shall determine if:

- 21 (1) the applicant is a voter of the precinct in which the applicant  
22 resides, according to the records of the county voter registration  
23 office;
- 24 (2) the information set forth on the application appears to be true;  
25 and
- 26 (3) the application has been completed and filed in accordance  
27 with Indiana and federal law.

28 If the members of the absentee voter board are unable to agree about  
29 any of the determinations described in subdivisions (1) through (3), the  
30 issue shall be referred to the county election board for determination.  
31 If the application is submitted by a voter wanting to cast an absentee  
32 ballot under IC 3-11-10-26, the voter shall be permitted to cast an  
33 absentee ballot, and the voter's absentee ballot shall be treated as a  
34 provisional ballot.

35 (b) If:

- 36 (1) the applicant is not a voter of the precinct according to the  
37 registration record; or
- 38 (2) the application as completed and filed:  
39 (A) contains a false statement; or  
40 (B) does not otherwise comply with Indiana or federal law;

41 as alleged under section 18.5 of this chapter, the county election board  
42 shall deny the application.

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1 (c) This subsection applies to an absentee ballot application  
2 submitted by an absent uniformed services voter or an overseas voter.  
3 In accordance with 42 U.S.C. 1973ff-1(d), if the application is denied,  
4 the county election board shall provide the voter with the reasons for  
5 the denial of the application. Unless the voter is present when the board  
6 denies the application, the board shall send a written notice stating the  
7 reasons for the denial to the voter. The notice must be sent:

- 8 (1) not later than forty-eight (48) hours after the application is  
9 denied; and
- 10 (2) to the voter at the address at which the voter requested that the  
11 absentee ballot be mailed.

12 (d) If the county election board determines that the applicant is a  
13 voter of the precinct under subsection (a), the board shall then  
14 determine whether:

- 15 (1) the applicant was required to file any additional  
16 documentation under IC 3-7-33-4.5; and
- 17 (2) the applicant has filed this documentation according to the  
18 records of the county voter registration office.

19 If the applicant has not filed the required documentation, the county  
20 election board shall approve the application if the application otherwise  
21 complies with this chapter. The board shall add a notation to the  
22 application and to the record compiled under section 17 of this chapter  
23 indicating that the applicant will be required to provide additional  
24 documentation to the county voter registration office under  
25 IC 3-7-33-4.5 before the absentee ballot may be counted.

- 26 (e) If the applicant:
  - 27 (1) is a voter of the precinct according to the registration record;
  - 28 (2) states on the application that the applicant resides at an  
29 address that is within the same precinct but is not the same  
30 address shown on the registration record; and
  - 31 (3) ~~after December 31, 2005~~, provides a voter identification  
32 number on the application to permit transfer of registration under  
33 IC 3-7-13-13;

34 the county election board shall direct the county voter registration  
35 office to transfer the applicant's voter registration address to the  
36 address within the precinct shown on the application. The applicant's  
37 application for an absentee ballot shall be approved if the applicant is  
38 otherwise eligible to receive the ballot under this chapter.

39 SECTION 70. IC 3-11-4-18, AS AMENDED BY P.L.103-2005,  
40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2006]: Sec. 18. (a) If a voter satisfies any of the qualifications  
42 described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot

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1 by mail, the county election board shall, at the request of the voter, mail  
2 the official ballot, postage fully prepaid, to the voter at the address  
3 stated in the application.

4 (b) If the county election board mails an absentee ballot to a voter  
5 required to file additional documentation with the county voter  
6 registration office before voting by absentee ballot under this chapter,  
7 the board shall include a notice to the voter in the envelope mailed to  
8 the voter under section 20 of this chapter. The notice must inform the  
9 voter that the voter must file the additional documentation required  
10 under IC 3-7-33-4.5 with the county voter registration office not later  
11 than noon on election day for the absentee ballot to be counted as an  
12 absentee ballot, and that, if the documentation required under  
13 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the  
14 ballot will be processed as a provisional ballot. The commission shall  
15 prescribe the form of this notice under IC 3-5-4-8.

16 (c) Except as provided in section 18.5 of this chapter, the ballot  
17 shall be mailed:

- 18 (1) on the day of the receipt of the voter's application; or
- 19 (2) not more than five (5) days after the date of delivery of the
- 20 ballots under section 15 of this chapter;
- 21 whichever is later.

22 (d) In addition to the ballot mailed under subsection (c), the county  
23 election board shall mail a special absentee ballot for overseas voters.

24 (e) Except as provided in section 18.5 of this chapter, the ballot  
25 described in subsection (d):

- 26 (1) must be mailed:
  - 27 (A) on the day of the receipt of the voter's application; or
  - 28 (B) not more than five (5) days after the latest date for delivery
  - 29 of the ballots under section 13(b) of this chapter applicable to
  - 30 that election;
  - 31 whichever is later; and
- 32 (2) may not be mailed after the absentee ballots described by
- 33 section 13(a) of this chapter have been delivered to the circuit
- 34 court clerk or the clerk's authorized deputy.

35 (f) ~~This subsection applies after December 31, 2005.~~ As required by  
36 42 U.S.C. 15481, an election board shall establish a voter education  
37 program (specific to a paper ballot or optical scan ballot card provided  
38 as an absentee ballot under this chapter) to notify a voter of the effect  
39 of casting multiple votes for a single office.

40 (g) ~~This subsection applies after December 31, 2005.~~ As provided  
41 by 42 U.S.C. 15481, when an absentee ballot is mailed under this  
42 section, the mailing must include:

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1 (1) information concerning the effect of casting multiple votes for  
 2 an office; and  
 3 (2) instructions on how to correct the ballot before the ballot is  
 4 cast and counted, including the issuance of replacement ballots.  
 5 SECTION 71. IC 3-11-6.5-1 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As used in this  
 7 section, "department" refers to the Indiana department of  
 8 administration established by IC 4-13-1-2.  
 9 (b) The department shall award quantity purchase agreements to  
 10 vendors for new voting systems or upgrades or expansion of existing  
 11 voting systems by counties.  
 12 (c) Both of the following must apply before the department may  
 13 issue a quantity purchase agreement to a voting system vendor:  
 14 (1) The commission has found that all of the following would be  
 15 enhanced by the vendor's new or upgraded voting system:  
 16 (A) Reliability of a county's voting system.  
 17 (B) Efficiency of a county's voting system.  
 18 (C) Ease of use by voters.  
 19 (D) Public confidence in a county's voting system.  
 20 (2) The commission has otherwise approved the vendor's new  
 21 voting system or the upgrade or expansion of the existing voting  
 22 system for use under this title.  
 23 (d) The quantity purchase agreement must include options for a  
 24 county to:  
 25 (1) purchase;  
 26 (2) lease-purchase; or  
 27 (3) lease;  
 28 new voting systems or upgrades or expansion of existing voting  
 29 systems.  
 30 (e) The purchase of new voting systems or upgrades or expansions  
 31 of existing voting systems by a county or under a quantity purchase  
 32 agreement entered into by the department under this section is  
 33 considered an acquisition by the state for purposes of 42 U.S.C. 15401  
 34 if the voting system, upgrade, or expansion complies with 42 U.S.C.  
 35 15481 through 15502.  
 36 (f) ~~Not later than December 31, 2005, each county shall purchase at~~  
 37 ~~least one (1) voting system under this section for each polling place in~~  
 38 ~~the county to meet the requirements set forth under IC 3-11-15-13.~~  
 39 SECTION 72. IC 3-11-8-22 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) A voter  
 41 challenged under section 20 of this chapter may vote if the voter makes  
 42 an affidavit in writing under section 23 of this chapter and either of the

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following applies:

- (1) The voter's name appears on the registration list.
- (2) The voter does one (1) of the following:
  - (A) Produces a certificate of error issued by a registration official of the county in accordance with IC 3-7-48 showing that the voter is registered in the precinct where the voter resides and offers to vote.
  - (B) Produces an affidavit executed under IC 3-10-10 or IC 3-10-11 if the voter executed an affidavit under those provisions.
  - (C) Makes an oral or a written affirmation under IC 3-10-12.

(b) ~~After December 31, 2003~~, A voter challenged under section 20 of this chapter:

- (1) whose name does not appear on the registration list; and
- (2) who is not permitted to cast a vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12;

is entitled to cast a provisional ballot under IC 3-11.7 if the voter makes an affidavit in writing that the voter is a legal voter of the precinct.

SECTION 73. IC 3-11-8-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. The affidavit of a challenged voter required by section 22 of this chapter must be sworn and affirmed and must contain the following:

- (1) A statement that the voter is a citizen of the United States.
- (2) The voter's date of birth to the best of the voter's information and belief.
- (3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.
- (4) The voter's name and a statement that the voter is generally known by that name.
- (5) A statement that the voter has not voted and will not vote in any other precinct in this election.
- (6) The voter's occupation.
- (7) The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.
- (8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.

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1 (9) ~~After December 31, 2003~~, If the individual's name does not  
2 appear on the registration list and the individual is not entitled to  
3 vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10,  
4 IC 3-10-11-2, or IC 3-10-12, a statement that the individual  
5 registered to vote and where the individual believes the individual  
6 registered to vote during the registration period described by:

- 7 (A) IC 3-7-13-10; or
- 8 (B) IC 3-7-36-11, if the voter registered under that section.

9 SECTION 74. IC 3-11-8-23.5 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23.5. ~~(a) This section~~  
11 ~~applies after December 31, 2003.~~

12 ~~(b)~~ In accordance with 42 U.S.C. 15482, a voter challenged under  
13 section 21 of this chapter is entitled to cast a provisional ballot under  
14 IC 3-11.7 after executing the affidavit under section 23 of this chapter.

15 SECTION 75. IC 3-11-8-25.1, AS AMENDED BY P.L.109-2005,  
16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2006]: Sec. 25.1. ~~(a) This section applies after December 31,~~  
18 ~~2005.~~

19 ~~(b)~~ **(a)** Except as provided in subsection ~~(f)~~; **(e)**, a voter who desires  
20 to vote an official ballot at an election shall provide proof of  
21 identification.

22 ~~(c)~~ **(b)** Except as provided in subsection ~~(f)~~; **(e)**, before the voter  
23 proceeds to vote in the election, a member of the precinct election  
24 board shall ask the voter to provide proof of identification. The voter  
25 shall produce the proof of identification before being permitted to sign  
26 the poll list.

- 27 ~~(d)~~ **(c)** If:
- 28 (1) the voter is unable or declines to present the proof of  
29 identification; or
  - 30 (2) a member of the precinct election board determines that the  
31 proof of identification provided by the voter does not qualify as  
32 proof of identification under IC 3-5-2-40.5;

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

35 ~~(e)~~ **(d)** If the voter executes a challenged voter's affidavit under  
36 section 22 of this chapter, the voter may:

- 37 (1) sign the poll list; and
- 38 (2) receive a provisional ballot.

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

42 ~~(g)~~ **(f)** After a voter has passed the challengers or has been sworn in,

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1 the voter shall be instructed by a member of the precinct election board  
2 to proceed to the location where the poll clerks are stationed. The voter  
3 shall announce the voter's name to the poll clerks or assistant poll  
4 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct  
5 election board shall require the voter to write the following on the poll  
6 list:

- 7 (1) The voter's name.
- 8 (2) Except as provided in subsection ~~(f)~~; **(k)**, the voter's current  
9 residence address.

10 ~~(f)~~ **(g)** The poll clerk, an assistant poll clerk, or a member of the  
11 precinct election board shall:

- 12 (1) ask the voter to provide or update the voter's voter  
13 identification number;
- 14 (2) tell the voter the number the voter may use as a voter  
15 identification number; and
- 16 (3) explain to the voter that the voter is not required to provide or  
17 update a voter identification number at the polls.

18 ~~(f)~~ **(h)** The poll clerk, an assistant poll clerk, or a member of the  
19 precinct election board shall ask the voter to provide proof of  
20 identification.

21 ~~(f)~~ **(i)** In case of doubt concerning a voter's identity, the precinct  
22 election board shall compare the voter's signature with the signature on  
23 the affidavit of registration or any certified copy of the signature  
24 provided under IC 3-7-29. If the board determines that the voter's  
25 signature is authentic, the voter may then vote. If either poll clerk  
26 doubts the voter's identity following comparison of the signatures, the  
27 poll clerk shall challenge the voter in the manner prescribed by section  
28 21 of this chapter.

29 ~~(f)~~ **(j)** If, in a precinct governed by subsection ~~(h)~~; **(g)**:

- 30 (1) the poll clerk does not execute a challenger's affidavit; or
- 31 (2) the voter executes a challenged voter's affidavit under section  
32 22 of this chapter or executed the affidavit before signing the poll  
33 list;

34 the voter may then vote.

35 ~~(f)~~ **(k)** Each line on a poll list sheet provided to take a voter's current  
36 address must include a box under the heading "Address Unchanged"  
37 so that a voter whose residence address shown on the poll list is the  
38 voter's current residence address may check the box instead of writing  
39 the voter's current residence address on the poll list.

40 SECTION 76. IC 3-11-8-25.2, AS AMENDED BY P.L.109-2005,  
41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2006]: Sec. 25.2. ~~(a) This section applies after December 31;~~

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1 ~~2005.~~

2 ~~(b)~~ **(a)** The poll clerk or assistant poll clerk shall examine the list  
3 provided under IC 3-7-29-1 to determine if the county election board  
4 has indicated that the voter is required to provide additional personal  
5 identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting  
6 in person. If the list (or a certification concerning absentee voters under  
7 IC 3-11-10-12) indicates that the voter is required to present this  
8 identification before voting in person, the poll clerk shall advise the  
9 voter that the voter must present, in addition to the proof of  
10 identification required by ~~section 25.1(b)~~ **section 25.1(a)** of this  
11 chapter, a piece of identification described in subsection ~~(c)~~ **(b)** to the  
12 poll clerk.

13 ~~(c)~~ **(b)** As required by 42 U.S.C. 15483, and in addition to the proof  
14 of identification required by ~~section 25.1(b)~~ **section 25.1(a)** of this  
15 chapter, a voter described by IC 3-7-33-4.5 who has not complied with  
16 IC 3-7-33-4.5 before appearing at the polls on election day must  
17 present one (1) of the following documents to the poll clerk:

- 18 (1) A current and valid photo identification.  
19 (2) A current utility bill, bank statement, government check,  
20 paycheck, or government document that shows the name and  
21 address of the voter.

22 ~~(d)~~ **(c)** If a voter presents a document under subsection ~~(c)~~; **(b)**, the  
23 poll clerk shall add a notation to the list indicating the type of  
24 document presented by the voter. The election division shall prescribe  
25 a standardized coding system to classify documents presented under  
26 this subsection for entry into the county voter registration system.

27 ~~(e)~~ **(d)** If a voter required to present documentation under subsection  
28 ~~(c)~~ **(b)** is unable to present the documentation to the poll clerk while  
29 present in the polls, the poll clerk shall notify the precinct election  
30 board. The board shall provide a provisional ballot to the voter under  
31 IC 3-11.7-2.

32 ~~(f)~~ **(e)** The precinct election board shall advise the voter that the  
33 voter may file a copy of the documentation with the county voter  
34 registration office to permit the provisional ballot to be counted under  
35 IC 3-11.7.

36 SECTION 77. IC 3-11-8-25.5, AS AMENDED BY P.L.109-2005,  
37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2006]: Sec. 25.5. If an individual signs the individual's name  
39 and either:

- 40 (1) signs the individual's address; or  
41 (2) ~~after December 31, 2005~~, checks the "Address Unchanged"  
42 box;

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1 on the poll list under ~~section 25~~ or **section 25.1** of this chapter and then  
2 leaves the polls without casting a ballot or after casting a provisional  
3 ballot, the voter may not be permitted to reenter the polls to cast a  
4 ballot at the election.

5 SECTION 78. IC 3-11-8-26.1 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26.1. ~~(a) This section~~  
7 ~~applies after December 31, 2005.~~

8 ~~(b)~~ **(a)** If a voter:  
9 (1) cannot sign; or  
10 (2) is a voter with a disability that makes it difficult for the voter  
11 to sign;

12 the voter's name and address, the poll clerks shall, by proper  
13 interrogation, satisfy themselves that the voter is the person the voter  
14 represents the voter to be.

15 ~~(c)~~ **(b)** If satisfied as to the voter's identity under subsection ~~(b)~~; **(a)**,  
16 one (1) of the poll clerks shall then place the following on the poll list:

17 (1) The voter's name.  
18 (2) Except as provided in subsection ~~(f)~~; **(e)**, the voter's current  
19 residence address.

20 ~~(d)~~ **(c)** The poll clerks shall:  
21 (1) ask the voter to provide or update the voter's voter  
22 identification number;  
23 (2) tell the voter the number the voter may use as a voter  
24 identification number; and  
25 (3) explain to the voter that the voter is not required to provide or  
26 update a voter identification number at the polls.

27 ~~(e)~~ **(d)** The poll clerk shall then add the clerk's initials in  
28 parentheses, after or under the signature. The voter then may vote.

29 ~~(f)~~ **(e)** Each line on a poll list sheet provided to take a voter's current  
30 residence address must include a box under the heading "Address  
31 Unchanged" so that the poll clerk may check the box to indicate that  
32 the residence address shown on the poll list is the voter's current  
33 residence address instead of writing the voter's current residence  
34 address on the poll list.

35 SECTION 79. IC 3-11-8-27.5 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27.5. ~~(a) This section~~  
37 ~~applies after December 31, 2003.~~

38 ~~(b)~~ In accordance with 42 U.S.C. 15482, a voter challenged under  
39 section 27 of this chapter is entitled to cast a provisional ballot under  
40 IC 3-11.7 after executing the affidavit under section 23 of this chapter.

41 SECTION 80. IC 3-11-8-29, AS AMENDED BY P.L.109-2005,  
42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2006]: Sec. 29. (a) This section does not apply to a list kept by  
 2 a poll clerk under section 10.5 of this chapter.  
 3 (b) A precinct election board may not keep a poll list other than the  
 4 poll list required by ~~section 25~~ or **section 25.1** of this chapter.  
 5 SECTION 81. IC 3-11-10-12, AS AMENDED BY P.L.198-2005,  
 6 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2006]: Sec. 12. (a) Each county election board shall have all  
 8 absentee ballots delivered to the precinct election boards at their  
 9 respective polls on election day.  
 10 (b) The absentee ballots shall be delivered during the hours that the  
 11 polls are open and in sufficient time to enable the precinct election  
 12 boards to vote the ballots during the time the polls are open.  
 13 (c) Along with the absentee ballots delivered to the precinct election  
 14 boards under subsection (a), each county election board shall provide  
 15 a list certified by the circuit court clerk. This list must state the name  
 16 of each voter subject to IC 3-7-33-4.5 who:  
 17 (1) filed the documentation required by IC 3-7-33-4.5 with the  
 18 county voter registration office after the printing of the certified  
 19 list under IC 3-7-29 or the poll list under ~~IC 3-11-3-18;~~  
 20 **IC 3-11-3**; and  
 21 (2) as a result, is entitled to have the voter's absentee ballot  
 22 counted if the ballot otherwise complies with this title.  
 23 (d) If the county election board is notified not later than 3 p.m. on  
 24 election day by the county voter registration office that a voter subject  
 25 to IC 3-7-33-4.5 and not identified in the list certified under subsection  
 26 (c) has filed documentation with the office that complies with  
 27 IC 3-7-33-4.5, the county election board shall transmit a supplemental  
 28 certified list to the appropriate precinct election board. If the board  
 29 determines that the supplemental list may not be received before the  
 30 closing of the polls, the board shall:  
 31 (1) attempt to contact the precinct election board to inform the  
 32 board regarding the content of the supplemental list; and  
 33 (2) file a copy of the supplemental list for that precinct as part of  
 34 the permanent records of the board.  
 35 (e) This subsection applies to a special write-in absentee ballot  
 36 described in:  
 37 (1) 42 U.S.C. 1973ff for federal offices; and  
 38 (2) IC 3-11-4-12(a) for state offices.  
 39 If the county election board receives both a special write-in absentee  
 40 ballot and the regular absentee ballot described by IC 3-11-4-12 from  
 41 the same voter, the county election board shall reject the special  
 42 write-in ballot and deliver only the regular absentee ballot to the

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precinct election board.

SECTION 82. IC 3-11-10-24.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24.5. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ As required by 42 U.S.C. 15481, an election board must establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

SECTION 83. IC 3-11-10-25, AS AMENDED BY P.L.103-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) A voter who votes by absentee ballot because of:

- (1) illness or injury; or
- (2) caring for a confined person at a private residence;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

- (1) during the regular office hours of the circuit court clerk;
- (2) at a time agreed to by the board and the voter;
- (3) on any of the twelve (12) days immediately before election day; and
- (4) only once before an election, unless:
  - (A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or
  - (B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

- (1) agreed to by the board and the voter; and
- (2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a

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1 voter who is confined due to illness or injury and will be outside of the  
2 county on election day in accordance with the procedures set forth in  
3 subsection (b).

4 (e) ~~This subsection applies after December 31, 2005.~~ As provided  
5 by 42 U.S.C. 15481, a voter casting an absentee ballot under this  
6 section must be:

- 7 (1) permitted to verify in a private and independent manner the
- 8 votes selected by the voter before the ballot is cast and counted;
- 9 (2) provided with the opportunity to change the ballot or correct
- 10 any error in a private and independent manner before the ballot is
- 11 cast and counted, including the opportunity to receive a
- 12 replacement ballot if the voter is otherwise unable to change or
- 13 correct the ballot; and

- 14 (3) notified before the ballot is cast regarding the effect of casting
- 15 multiple votes for the office and provided an opportunity to
- 16 correct the ballot before the ballot is cast and counted.

17 (f) ~~This subsection applies after December 31, 2005.~~ As provided  
18 by 42 U.S.C. 15481, when an absentee ballot is provided under this  
19 section, the board must also provide the voter with:

- 20 (1) information concerning the effect of casting multiple votes for
- 21 an office; and
- 22 (2) instructions on how to correct the ballot before the ballot is
- 23 cast and counted, including the issuance of replacement ballots.

24 (g) This subsection applies to a voter who applies to vote an  
25 absentee ballot by mail. The county election board shall include a copy  
26 of the Absentee Voter's Bill of Rights with any absentee ballot mailed  
27 to the voter.

28 SECTION 84. IC 3-11-10-26, AS AMENDED BY P.L.103-2005,  
29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2006]: Sec. 26. (a) As an alternative to voting by mail, a voter  
31 is entitled to cast an absentee ballot before an absentee voter board:

- 32 (1) in the office of the circuit court clerk (or board of elections
- 33 and registration in a county subject to IC 3-6-5.2); or
- 34 (2) at a satellite office established under section 26.3 of this
- 35 chapter.

36 (b) The voter must:

- 37 (1) sign an application on the form prescribed by the commission
- 38 under IC 3-11-4-5.1; and
- 39 (2) provide proof of identification;

40 before being permitted to vote. The application must be received by the  
41 circuit court clerk not later than the time prescribed by IC 3-11-4-3.

42 (c) The voter may vote before the board not more than twenty-nine

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- 1 (29) days nor later than noon on the day before election day.
- 2 (d) An absent uniformed services voter who is eligible to vote by  
3 absentee ballot in the circuit court clerk's office under IC 3-7-36-14  
4 may vote before the board not earlier than twenty-nine (29) days before  
5 the election and not later than noon on election day. If a voter described  
6 by this subsection wishes to cast an absentee ballot during the period  
7 beginning at noon on the day before election day and ending at noon on  
8 election day, the county election board or absentee voter board may  
9 receive and process the ballot at a location designated by resolution of  
10 the county election board.
- 11 (e) The absentee voter board in the office of the circuit court clerk  
12 must permit voters to cast absentee ballots under this section for at  
13 least seven (7) hours on each of the two (2) Saturdays preceding  
14 election day.
- 15 (f) Notwithstanding subsection (e), in a county with a population of  
16 less than twenty thousand (20,000), the absentee voter board in the  
17 office of the circuit court clerk, with the approval of the county election  
18 board, may reduce the number of hours available to cast absentee  
19 ballots under this section to a minimum of four (4) hours on each of the  
20 two (2) Saturdays preceding election day.
- 21 (g) ~~This subsection applies after December 31, 2005.~~ As provided  
22 by 42 U.S.C. 15481, a voter casting an absentee ballot under this  
23 section must be:
- 24 (1) permitted to verify in a private and independent manner the  
25 votes selected by the voter before the ballot is cast and counted;  
26 (2) provided with the opportunity to change the ballot or correct  
27 any error in a private and independent manner before the ballot is  
28 cast and counted, including the opportunity to receive a  
29 replacement ballot if the voter is otherwise unable to change or  
30 correct the ballot; and
- 31 (3) notified before the ballot is cast regarding the effect of casting  
32 multiple votes for the office and provided an opportunity to  
33 correct the ballot before the ballot is cast and counted.
- 34 (h) As provided by 42 U.S.C. 15481, when an absentee ballot is  
35 provided under this section, the board must also provide the voter with:
- 36 (1) information concerning the effect of casting multiple votes for  
37 an office; and
- 38 (2) instructions on how to correct the ballot before the ballot is  
39 cast and counted, including the issuance of replacement ballots.
- 40 (i) If:
- 41 (1) the voter is unable or declines to present the proof of  
42 identification; or

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1 (2) a member of the board determines that the proof of  
2 identification provided by the voter does not qualify as proof of  
3 identification under IC 3-5-2-40.5;  
4 the voter shall be permitted to cast an absentee ballot and the voter's  
5 absentee ballot shall be treated as a provisional ballot.

6 SECTION 85. IC 3-11-11-1.2 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.2. ~~(a) This section~~  
8 ~~applies after December 31, 2005.~~

9 ~~(b)~~ As required by 42 U.S.C. 15481, an election board must  
10 establish a voter education program to notify a voter of the effect of  
11 casting multiple votes for a single office on a paper ballot.

12 SECTION 86. IC 3-11-11-6 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) After a voter has  
14 signed the poll list, one (1) of the poll clerks or assistant poll clerks  
15 shall deliver to the voter one (1) of each ballot that the voter is entitled  
16 to vote at the election and one (1) pencil or pen. Both judges, on  
17 request, shall give an explanation of the voting method. If necessary,  
18 a precinct election officer shall assist a voter in determining if the  
19 proper initials appear on a ballot.

20 ~~(b) This subsection applies after December 31, 2005.~~ As provided  
21 by 42 U.S.C. 15481, when a voter receives a paper ballot under this  
22 section, the board must also provide the voter with:

- 23 (1) information concerning the effect of casting multiple votes for  
24 an office; and
- 25 (2) instructions on how to correct the ballot before the ballot is  
26 cast and counted, including the issuance of replacement ballots.

27 SECTION 87. IC 3-11-11-9 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A voter shall  
29 mark all ballots while screened from observation. The exterior of a  
30 voting booth or compartment and each area of the polls must be in  
31 plain view of the precinct election board. Each voting booth or  
32 compartment shall be placed so that a person voting on the opposite  
33 side of the railing or a person on the outside of the polls cannot see or  
34 determine how a voter votes. The inspector, judges, and poll clerks may  
35 not remain or allow any other person to remain in a position or near a  
36 position that would permit them to see or ascertain how a voter votes.

37 ~~(b) This subsection applies after December 31, 2005.~~ As provided  
38 by 42 U.S.C. 15481, a voter casting a paper ballot under this section  
39 must be:

- 40 (1) permitted to verify in a private and ~~an~~ independent manner the  
41 votes selected by the voter before the ballot is cast and counted;
- 42 (2) provided with the opportunity to change the ballot or correct

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1 any error in a private and independent manner before the ballot is  
2 cast and counted, including the opportunity to receive a  
3 replacement ballot if the voter is otherwise unable to change or  
4 correct the ballot; and

5 (3) notified before the ballot is cast regarding the effect of casting  
6 multiple votes for the office and provided an opportunity to  
7 correct the ballot before the ballot is cast and counted.

8 SECTION 88. IC 3-11-13-4.5 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. ~~(a) This section  
10 applies after December 31, 2005.~~

11 ~~(b)~~ As required by 42 U.S.C. 15481, an election board must  
12 establish a voter education program to notify a voter of the effect of  
13 casting multiple ballots for a single office on an optical scan ballot card  
14 tabulated at a central location.

15 SECTION 89. IC 3-11-13-11, AS AMENDED BY P.L.58-2005,  
16 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2006]: Sec. 11. (a) The ballot information, whether placed on  
18 the ballot card or on the marking device, must be in the order of  
19 arrangement provided for ballots under this section.

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

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

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

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

37 (e) The offices on the general election ballot must be placed on the  
38 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,  
39 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)  
40 through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The  
41 offices and public questions may be listed in a continuous column  
42 either vertically or horizontally and on a number of separate pages.

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1 However, school board offices, public questions concerning the  
 2 retention of a justice or judge, local nonpartisan judicial offices, and  
 3 local public questions must be placed at the beginning of separate  
 4 columns.

5 (f) The name of each office must be printed in a uniform size in bold  
 6 type. A statement reading substantially as follows must be placed  
 7 immediately below the name of the office and above the name of the  
 8 first candidate: "Vote for not more than (insert the number of  
 9 candidates to be elected) candidate(s) for this office."

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

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

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

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

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

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

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

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

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

39 (1) candidate; or

40 (2) ticket of candidates for:

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

42 (B) governor and lieutenant governor;

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

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

- 6 (1) under the name of the office that the candidates are seeking;  
7 (2) in the order established by subsection (g); and  
8 (3) within the political party, in alphabetical order according to  
9 surname.

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

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

- 16 (1) under the name of the office that the candidates are seeking;  
17 and  
18 (2) in alphabetical order according to surname.

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

23 (k) The following information must be placed at the top of the ballot  
24 before the first office is listed:

- 25 (1) The cautionary statement described in IC 3-11-2-7.  
26 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c),  
27 and IC 3-11-2-10(d).

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

- 34 (1) the name of the political party or independent ticket  
35 (described in IC 3-11-2-6); and  
36 (2) immediately below or beside the political party's or  
37 independent ticket's name, the device of that party or ticket  
38 (described in IC 3-11-2-5).

39 The name and device of each political party or independent ticket must  
40 be of uniform size and type and arranged in the order established by  
41 subsection (g) for listing candidates under each office. The instructions  
42 described in IC 3-11-2-10(b) for voting a straight party ticket and the

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1 statement concerning presidential electors required under IC 3-10-4-3  
 2 may be placed on the ballot beside or above the names and devices  
 3 within the voting booth in a location that permits the voter to easily  
 4 read the instructions.

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

11 (n) The requirements in this section:

12 (1) do not replace; and

13 (2) are in addition to;

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

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

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

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

22 (2) the text of public questions;

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

26 ~~(q) This subsection:~~

27 ~~(1) applies to a punch card ballot voting system; and~~

28 ~~(2) expires December 31, 2005.~~

29 ~~Except as otherwise provided in this chapter, a punch card ballot must~~  
 30 ~~include a numbered box and chad in the locations and in the layout~~  
 31 ~~specified by this section for connectable arrows, circles, ovals, or~~  
 32 ~~squares.~~

33 SECTION 90. IC 3-11-13-28.5, AS AMENDED BY P.L.221-2005,  
 34 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2006]: Sec. 28.5. (a) Unless challenged, a voter may proceed  
 36 to vote.

37 (b) As each successive voter calls for a ballot, the poll clerks shall  
 38 deliver to the voter the first initialed ballot of each type. The inspector  
 39 shall then deliver to the poll clerks another ballot of each type, which  
 40 the clerks shall initial as before.

41 (c) This subsection applies ~~after December 31, 2005~~, to an optical  
 42 scan ballot card ballot tabulated at a central location. As provided by

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1 42 U.S.C. 15481, when a voter receives an optical scan ballot card  
2 ballot, the board must also provide the voter with:

- 3 (1) information concerning the effect of casting multiple votes for  
4 an office; and  
5 (2) instructions on how to correct the ballot before the ballot is  
6 cast and counted, including the issuance of replacement ballots.

7 SECTION 91. IC 3-11-13-29, AS AMENDED BY P.L.221-2005,  
8 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2006]: Sec. 29. (a) In addition to the instructions printed on  
10 the ballot card or ballot labels, instructions to voters shall be posted in  
11 each voting booth or placed on the marking device. Each voter shall be  
12 instructed by both judges, on request, on how to operate the voting  
13 device before the voter enters the voting booth.

14 (b) The instructions posted in the voting booth or placed on the  
15 marking device must state the following:

- 16 (1) That the voter should examine the ballot card to determine if  
17 it contains the initials of the poll clerks in ink on the back of the  
18 card.  
19 (2) That the voter should not make an unnecessary mark on the  
20 ballot card because the mark may void the card.  
21 (3) That the voter should examine the ballot card to determine if  
22 the card has any mark (other than the initials of the poll clerks)  
23 before voting.  
24 (4) That the voter should return the ballot card to the poll clerks  
25 and request another ballot card if:  
26 (A) the poll clerks' initials have not been properly placed on  
27 the card;  
28 (B) the card has a mark (other than the initials of the poll  
29 clerks) before the voter places a voting mark on the ballot; or  
30 (C) the voter has improperly marked the card.  
31 (5) That the voter should examine the ballot card after voting to  
32 determine that all marks made on the card to indicate the voter's  
33 selections have been completely marked.

34 (c) ~~This subsection applies after December 31, 2005.~~ As provided  
35 by 42 U.S.C. 15481, a voter casting an optical scan ballot card under  
36 this section must be:

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

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1 ballot; and  
 2 (3) notified before the ballot is cast regarding the effect of casting  
 3 multiple votes for the office and provided an opportunity to  
 4 correct the ballot before the ballot is cast and counted.  
 5 SECTION 92. IC 3-11-14-23, AS AMENDED BY P.L.58-2005,  
 6 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2006]: Sec. 23. (a) This section is enacted to comply with 42  
 8 U.S.C. 15481 by establishing uniform and nondiscriminatory standards  
 9 to define what constitutes a vote on an electronic voting system.  
 10 (b) If a voter is not challenged by a member of the precinct election  
 11 board, the voter may pass the railing to the side where an electronic  
 12 voting system is and into the voting booth. There the voter shall  
 13 register the voter's vote in secret by indicating:  
 14 (1) the candidates for whom the voter desires to vote by touching  
 15 a device on or in the squares immediately above the candidates'  
 16 names;  
 17 (2) if the voter intends to cast a write-in vote, a write-in vote by  
 18 touching a device on or in the square immediately below the  
 19 candidates' names and printing the name of the candidate in the  
 20 window provided for write-in voting; and  
 21 (3) the voter's preference on each public question by touching a  
 22 device above the word "yes" or "no" under the question.  
 23 (c) If an election is a general or municipal election and a voter  
 24 desires to vote for all the candidates of one (1) political party or group  
 25 of petitioners, the voter may cast a straight party ticket by touching that  
 26 party's device. The voter's vote shall then be counted for all the  
 27 candidates under that name. However, if the voter casts a vote by  
 28 touching the circle of an independent ticket comprised of two (2)  
 29 candidates, the vote shall not be counted for any other independent  
 30 candidate on the ballot.  
 31 (d) ~~After December 31, 2005~~; As provided by 42 U.S.C. 15481, a  
 32 voter casting a ballot on an electronic voting system must be:  
 33 (1) permitted to verify in a private and an independent manner the  
 34 votes selected by the voter before the ballot is cast and counted;  
 35 (2) provided the opportunity to change the ballot or correct any  
 36 error in a private and independent manner before the ballot is cast  
 37 and counted, including the opportunity to receive a replacement  
 38 ballot if the voter is otherwise unable to change or correct the  
 39 ballot; and  
 40 (3) notified before the ballot is cast regarding the effect of casting  
 41 multiple votes for the office and provided an opportunity to  
 42 correct the ballot before the ballot is cast and counted.

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1 SECTION 93. IC 3-11-15-13.3, AS AMENDED BY P.L.221-2005,  
2 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2006]: Sec. 13.3. ~~(a) This section applies after December 31,~~  
4 ~~2005.~~

5 ~~(b)~~ **(a)** To be approved by the commission for use in Indiana, a  
6 voting system must meet the Voting System Standards adopted by the  
7 Federal Election Commission on April 30, 2002.

8 ~~(c)~~ **(b)** A county may continue to use an optical scan ballot card  
9 voting system or an electronic voting system whose approval or  
10 certification expired on or before October 1, 2005, if the voting system:

11 (1) was:

12 (A) approved by the commission for use in elections in Indiana  
13 before July 1, 2003; and

14 (B) purchased by the county before July 1, 2003; and

15 (2) otherwise complies with the applicable provisions of HAVA  
16 and this article.

17 However, a voting system vendor may not market, sell, lease, or install  
18 a voting system described in this subsection.

19 ~~(d)~~ **(c)** As provided by 42 U.S.C. 15481, to be used in an election in  
20 Indiana, a voting system must be accessible for individuals with  
21 disabilities, including nonvisual accessibility for the blind and visually  
22 impaired, in a manner that provides the same opportunity for access  
23 and participation (including privacy and independence) as for other  
24 voters.

25 ~~(e)~~ **(d)** As provided by 42 U.S.C. 15481, an election board  
26 conducting an election satisfies the requirements of subsection ~~(d)~~ **(c)**  
27 if the election board provides at least one (1) electronic voting system  
28 or other voting system equipped for individuals with disabilities at each  
29 polling place.

30 ~~(f)~~ **(e)** If a voter who is otherwise qualified to cast a ballot in a  
31 precinct chooses to cast the voter's ballot on the voting system provided  
32 under subsection ~~(e)~~ **(d)**, the voter must be allowed to cast the voter's  
33 ballot on that voting system, whether or not the voter is an individual  
34 with disabilities.

35 SECTION 94. IC 3-11.7-2-1 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As provided by  
37 42 U.S.C. 15482, this section applies to the following individuals:

38 (1) An individual:

39 (A) whose name does not appear on the registration list; and

40 (B) who is not permitted to vote under IC 3-7-48-1,  
41 IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or  
42 IC 3-10-12.

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1 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or  
 2 IC 3-11-8-27.5 who is challenged as not eligible to vote.  
 3 (3) An individual who seeks to vote in an election as a result of a  
 4 court order (or any other order) extending the time established for  
 5 closing the polls under IC 3-11-8-8.  
 6 (b) ~~This subsection applies after December 31, 2003.~~ As required  
 7 by 42 U.S.C. 15483, a voter who has registered to vote but has not:  
 8 (1) presented identification required under 42 U.S.C. 15483 to the  
 9 poll clerk before voting in person under ~~IC 3-11-8-25;~~  
 10 **IC 3-11-8-25.1**; or  
 11 (2) filed a copy of the identification required under 42 U.S.C.  
 12 15483 to the county voter registration office before the voter's  
 13 absentee ballot is cast;  
 14 is entitled to vote a provisional ballot under this article.  
 15 (c) A precinct election officer shall inform an individual described  
 16 by subsection (a)(1) or (a)(2) that the individual may cast a provisional  
 17 ballot if the individual:  
 18 (1) is eligible to vote under IC 3-7-13-1;  
 19 (2) submitted a voter registration application during the  
 20 registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if  
 21 the voter registered under that section); and  
 22 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.  
 23 (d) A precinct election officer shall inform an individual described  
 24 by subsection (a)(3) that the individual may cast a provisional ballot.  
 25 SECTION 95. IC 3-12-9-4, AS AMENDED BY P.L.230-2005,  
 26 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2006]: Sec. 4. (a) The fiscal body of a political subdivision  
 28 that receives notice under section 3 of this chapter shall resolve the tie  
 29 vote by electing a person to fill the office not later than December 31  
 30 following the election (or not later than June 30 following the election  
 31 of a school board member in May) at which the tie vote occurred. The  
 32 fiscal body shall select one (1) of the candidates who was involved in  
 33 the tie vote to fill the office.  
 34 (b) If a tie vote has occurred in an election for a circuit office in a  
 35 circuit that contains more than one (1) county, the fiscal bodies of the  
 36 counties shall meet in joint session at the county seat of the county that  
 37 contains the greatest percentage of population of the circuit to select  
 38 one (1) of the candidates who was involved in the tie vote in order to  
 39 fill the office in accordance with this section.  
 40 (c) If a tie vote has occurred for the election of more than one (1)  
 41 at-large seat on a legislative or fiscal body, the fiscal body shall select  
 42 the number of individuals necessary to fill each of the at-large seats for

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1 which the tie vote occurred. However, a member of a fiscal body who  
 2 runs for reelection and is involved in a tie vote may not cast a vote  
 3 under this section.

4 (d) The executive of the political subdivision (other than a town or  
 5 a school corporation) may cast the deciding vote to break a tie vote in  
 6 a fiscal body acting under this section. The clerk-treasurer of the town  
 7 may cast the deciding vote to break a tie vote in a town fiscal body  
 8 acting under this section. A tie vote in the fiscal body of a school  
 9 corporation under this section shall be broken under ~~IC 20-4-1-26.5 or~~  
 10 ~~IC 20-4-8-8~~: **IC 20-23.**

11 SECTION 96. IC 3-13-5-0.1 IS ADDED TO THE INDIANA CODE  
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 13 1, 2006]: **Sec. 0.1. (a) This chapter applies only to a vacancy in a  
 14 legislative office that was last held by a person elected or selected  
 15 as a candidate of a major political party of the state.**

16 **(b) A vacancy in a legislative office that was last held by a  
 17 person not described in subsection (a) shall be filled by a special  
 18 election held as provided in IC 3-10-8.**

19 SECTION 97. IC 3-14-2-6 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A person who  
 21 knowingly, intentionally, or recklessly releases or removes any  
 22 registration materials or ~~after December 31, 2005~~, information  
 23 contained in the computerized list maintained under IC 3-7-26.3 from  
 24 the county voter registration office, except when release or removal is  
 25 necessary:

26 (1) to comply with IC 3-7; or

27 (2) for the destruction of the materials under IC 5-15-6;  
 28 commits a Class A misdemeanor.

29 SECTION 98. IC 3-14-4-3.5 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. ~~(a) This subsection  
 31 applies before January 1, 2006. A circuit court clerk, member of a  
 32 board of registration, or county official, responsible for maintaining  
 33 computerized voter registration information who recklessly fails to  
 34 comply with IC 3-7-26 more than thirty (30) days after being required  
 35 to perform a duty under IC 3-7-26 commits a Class B misdemeanor.~~

36 ~~(b) This subsection applies after December 31, 2005. A circuit court  
 37 clerk, a member of a board of registration, a county official, or another  
 38 person responsible for maintaining computerized voter registration  
 39 information who recklessly fails to comply with IC 3-7-26.3 more than  
 40 thirty (30) days after being required to perform a duty under  
 41 IC 3-7-26.3 commits a Class B misdemeanor.~~

42 SECTION 99. IC 3-14-6-1.1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. ~~(a) This section~~  
2 ~~applies after December 31, 2005.~~

3 ~~(b)~~ (a) A person who grants a request for voter registration  
4 information under IC 3-7-26.3 or IC 3-7-27 with knowledge that the  
5 information will be used in a manner prohibited by IC 3-7-26.3 or  
6 IC 3-7-27 commits a Class B infraction.

7 ~~(c)~~ (b) A person who has previously received a judgment for  
8 committing an infraction under this section and knowingly,  
9 intentionally, or recklessly violates this section a second time commits  
10 a Class D felony.

11 SECTION 100. IC 3-14-6-2 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) This section does  
13 not apply to:

- 14 (1) political activities; or
- 15 (2) political fundraising activities.

16 (b) A person who uses voter registration information obtained under  
17 ~~IC 3-7-26~~; IC 3-7-26.3 ~~(after December 31, 2005)~~; or IC 3-7-27 to  
18 solicit the sale of merchandise, goods, services, or subscriptions  
19 commits a Class B infraction.

20 (c) The court shall:

- 21 (1) keep a record; and
- 22 (2) send a copy of the record to the prosecuting attorney of the  
23 county in which the infraction proceeding was tried;  
24 of a judgment for an infraction proceeding tried under this section.

25 (d) A person who:

- 26 (1) has previously received a judgment for committing an  
27 infraction under this section; and
- 28 (2) knowingly or intentionally uses voter registration information  
29 in violation of this section;  
30 commits a Class A misdemeanor.

31 SECTION 101. IC 9-24-2.5-4 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:  
33 Sec. 4. As required under 42 U.S.C. 1973gg-3(e)(1), the manager or  
34 designated license branch employee shall transmit a copy of the  
35 completed voter registration portion of each application for a driver's  
36 license or an identification card for nondrivers issued under this article  
37 **in accordance with IC 3-7.**

38 ~~(1) to the circuit court clerk or board of registration of the county~~  
39 ~~in which the individual's residential address (as indicated on the~~  
40 ~~application) is located; and~~

41 ~~(2) not later than five (5) days after the application is accepted at~~  
42 ~~the license branch.~~

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1 SECTION 102. IC 33-33-49-13, AS AMENDED BY P.L.2-2005,  
 2 SECTION 93, AND AS AMENDED BY P.L.58-2005, SECTION 35,  
 3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 4 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Each judge of the court  
 5 shall be elected for a term of six (6) years that begins January 1 after  
 6 the year of the judge's election and continues through December 31 in  
 7 the sixth year. The judge shall hold office for the six (6) year term or  
 8 until the judge's successor is elected and qualified. A candidate for  
 9 judge shall run at large for the office of judge of the court and not as a  
 10 candidate for judge of a particular room or division of the court.

11 (b) ~~Beginning with~~ **At** the primary election held in ~~1996~~ **2008** and  
 12 every six (6) years thereafter, a political party may nominate not more  
 13 than eight (8) candidates for judge of the court. ~~Beginning with~~ **At** the  
 14 primary election held in ~~2000~~ **2006** and every six (6) years thereafter,  
 15 a political party may nominate not more than nine (9) candidates for  
 16 judge of the court. The candidates shall be voted on at the general  
 17 election. Other candidates may qualify under IC 3-8-6 to be voted on  
 18 at the general election.

19 (c) The names of the party candidates nominated and properly  
 20 certified to the Marion County election board, along with the names of  
 21 other candidates who have qualified, shall be placed on the ballot at the  
 22 general election in the form prescribed by ~~IC 3-11-2~~ *IC 3-11*.  
 23 ~~Beginning with~~ **At** the ~~1996~~ **2008** general election and every six (6)  
 24 years thereafter, persons eligible to vote at the general election may  
 25 vote for fifteen (15) candidates for judge of the court. Beginning with  
 26 the ~~2000~~ **2006** general election and every six (6) years thereafter,  
 27 persons eligible to vote at the general election may vote for seventeen  
 28 (17) candidates for judge of the court.

29 (d) The candidates for judge of the court receiving the highest  
 30 number of votes shall be elected to the vacancies. The names of the  
 31 candidates elected as judges of the court shall be certified to the county  
 32 election board as provided by law.

33 SECTION 103. IC 33-35-1-1 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) During **2006 and**  
 35 every fourth year after ~~1986~~; **that**, a second or third class city or a town  
 36 may by ordinance establish or abolish a city or town court. An  
 37 ordinance to establish a city or town court must be adopted not less  
 38 than one (1) year before the judge's term would begin under section 3  
 39 of this chapter.

40 (b) The judge for a court established under subsection (a) shall be  
 41 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in  
 42 November ~~1987~~ **2007** and every four (4) years thereafter.

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

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

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

9 SECTION 104. THE FOLLOWING ARE REPEALED  
10 [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: IC 9-24-2.5-6;  
11 IC 9-24-2.5-7; IC 9-24-2.5-8.

12 SECTION 105. THE FOLLOWING ARE REPEALED  
13 [EFFECTIVE JULY 1, 2006]: IC 3-5-2-8.7; IC 3-7-12-28; IC 3-7-26;  
14 IC 3-7-26.3-1; IC 3-7-27-20; IC 3-7-27-21; IC 3-7-27-23; IC 3-7-33-2;  
15 IC 3-7-35-2; IC 3-7-35-3; IC 3-7-38.1; IC 3-7-40-2; IC 3-7-40-7;  
16 IC 3-7-45-2; IC 3-7-45-6; IC 3-7-46-4; IC 3-10-1-7; IC 3-10-1-24.5;  
17 IC 3-10-7-14; IC 3-11-2-2; IC 3-11-3-17; IC 3-11-3-18; IC 3-11-3-19;  
18 IC 3-11-3-21; IC 3-11-6.5-5; IC 3-11-6.5-6.1; IC 3-11-8-25;  
19 IC 3-11-8-26; IC 3-11-15-13; IC 3-11.7-1-1; IC 3-14-6-1.

20 SECTION 106. [EFFECTIVE UPON PASSAGE] (a) This  
21 SECTION applies to a proposed precinct establishment order  
22 issued after June 30, 2005.

23 (b) A proposed precinct establishment order complies with  
24 IC 3-11-1.5-15(4) if the order includes in substance either of the  
25 following statements:

26 (1) The polling place designated for the precinct complies with  
27 the polling place accessibility requirements under IC 3-11-8.

28 (2) That before April 1, 2006, the county will designate a new  
29 polling place that complies with the polling place accessibility  
30 requirements under IC 3-11-8.

31 (c) This SECTION expires July 1, 2006.

32 SECTION 107. An emergency is declared for this act.

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